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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 11319/2021**

KHAO GALI RESTAURANTS PVT LTD Petitioner
Through: **Mr. N P Singh, Advocate**

versus

**COMMISSIONER OF EXCISE GOVERNMENT OF NATIONAL
CAPITAL TERRITORY OF DELHI AND ORS & ORS**

..... Respondents
Through: **Mr. Sudhir Nandrajog, Senior
Advocate for Mr. Arun Panwar,
Advocate**

**CORAM:
HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD**

ORDER
16.02.2024

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CM APPL. 9773/2024

1. This is an application on behalf of Mr. Arun Panwar, Panel Counsel (Civil), GNCTD, for putting the Orders dated 18.09.2023 and 04.12.2023 passed by this Court in correct perspective, to bring on record the sequence of events and for clarification of the Orders dated 18.09.2023 and 04.12.2023.
2. Material on record discloses that in order to resolve the issue raised in a batch of writ petitions, this Court on 29.03.2022 was of the opinion that a Committee should be constituted to examine the factual situation prevailing in different wards and localities forming part thereof so that an authoritative list of conforming and non-conforming wards is prepared after verification. It was suggested that the Committee should comprise of representatives of



the Department of Excise, four Municipal Corporations, DDA and such other stakeholders as deemed appropriate by the Government. This Court, therefore, requested the Counsels appearing for the Respondents to take appropriate instructions and also to convey the request of the Court to the Hon'ble Lt. Governor regarding constitution of the appropriate Committee on the lines suggested by this Court.

3. In compliance of the Order dated 29.03.2022, this Court was informed on 08.04.2022 that the Hon'ble Lt. Governor *vide* notice dated 06.04.2022 has constituted a five Member Committee comprising of authorities representing Department of Excise, DDA and the three Municipal Corporations. The Committee had been charged with undertaking to carry a detailed survey to identify the conforming and non-conforming wards. This Court was also apprised of the fact that the Committee had started proceeding with the task entrusted to it. The Committee proceeded ahead with the task.

4. On 18.09.2023, this Court made the following observations:-

“3. The grievance of the Petitioners is genuine. The Lt. Governor, is, therefore, requested to take a decision on the Report as expeditiously as possible, preferably within a period of six weeks from today.”

5. On 04.12.2023, this Court made the following observations:-

“5. Today again, four weeks' time is being sought on behalf of the Respondent in the matter. This has been opposed by learned Counsels for the Petitioners. However, this Court is inclined to grant further four weeks' time to the Respondent with a renewed request to the Hon'ble Lt. Governor come to a conclusion on the issue.”



6. It is stated in the present application that since substantial financial implications were involved, the matter was being discussed at various levels between Committee constituted by the Hon'ble Lt. Governor and the Government. Time was being taken for resolving the issues on which a call had to be taken by the Committee for preparing a Report to be placed before the Hon'ble Lt. Governor for further action.

7. A perusal of the application reveals that the Committee had made a Report and had sent it to the Government and since there were huge financial implications involved, the matter was being dealt with by various departments of the Government before the Report could be finally placed before the Hon'ble Lt. Governor for further action.

8. It is stated that on 18.09.2023 and 04.12.2023 the final Report had yet not been placed before the Hon'ble Lt. Governor and what was mentioned in the Court was that the Report of the Committee constituted by the Hon'ble Lt. Governor was being considered by the Government at various levels. It now transpires that the matter has finally reached before the Hon'ble Lt. Governor on 16.01.2024.

9. The Orders dated 18.09.2023 and 04.12.2023 be read in perspective with the Order passed today. As and when a certified copy of the Orders dated 18.09.2023 and 04.12.2023 is applied for, a copy of this order be also supplied with the said orders.

10. The affidavit states that Mr. Arun Panwar, learned Counsel, was appearing before the Court, which is a fact and since Mr. Santosh Kumar Tripathi, is the Standing Counsel for the GNCTD, his appearance had been given because of which his name appears in the record of proceedings of the Court.



11. This Court once again makes a fervent request to the Hon'ble Lt. Governor to dispose of the matter now pending before him
12. With these observations, the application is disposed of.

SUBRAMONIUM PRASAD, J

FEBRUARY 16, 2024
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