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

+ W.P. (C) 10447/2020

MEDICOVER HEALTHCARE PVT. LTD.Petitioner

Through: Mr Parag P. Tripathi, Senior Advocate with Ms. Ritwika Nanda, Ms Petal Chandhok, Ms Rupali Gupta, Mr Rohit, Mr Raghav and Mr Lalitaksh, Advocates.

versus

SOUTH DELHI MUNICIPAL CORPORATION & ORS.

..... Respondents

Through: Mr Mukesh Gupta, SC for South DMC/R-1 with Mr Mayank Ahuja, Advocate.

Mr Kirti Uppal, Senior Advocate with Mr Aman Bhalla and Mr Aditya Awasthi, Advocates for R-2 and R-3.

+ W.P. (C) 10470/2020

TEGH EXPORT LIMITED LIABILITY PARTHERSHIP & ANR.

.....Petitioners

Through: Mr Kirti Uppal, Senior Advocate with Mr Aman Bhalla and Mr Aditya Awasthi, Advocates.

versus

SOUTH DELHI MUNICIPAL CORPORATION & ANR.

..... Respondents

Through: Mr Mukesh Gupta, SC for South DMC with Mr Mayank Ahuja, Advocate.

Mr Parag P. Tripathi, Senior Advocate for R-2 with Ms. Ritwika Nanda, Ms Petal Chandhok, Ms Rupali Gupta, Mr Rohit, Mr Raghav



and Mr Lalitaksh, Advocates.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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16.12.2020

The hearing was conducted through video conferencing.

CM APPL. 33058/2020 (exemption) in W.P. (C) 10447/2020

CM APPL. 33122/2020 (exemption) in W.P. (C) 10470/2020

1. Allowed, subject to all just exceptions.

2. The applications stand disposed-off.

W.P. (C) 10447/2020 & CM APPL. 33057/2020 (stay)

W.P. (C) 10470/2020 & CM APPL. 33121/2020 (stay)

3. Issue notice. Notice is accepted by the learned counsel named above for the respondents. Reply/counter affidavit and rejoinder, if any, be filed in 4 weeks each, successively.
4. The petitioners are aggrieved by the Corporation's order dated 02.12.2020, revoking the permission granted to them for running a nursing home from the premises in question, i.e., property bearing number E-20, Panchsheel Park, New Delhi, and directing them to cease activities of the nursing homes within 15 days. The said property was constructed to requisite specifications of a nursing home and in terms of the sanctioned building plan dated 27.08.2012. The building was regularised upon payment of charges of Rs.22,81,577/- in terms of the Corporation's letter dated 15.02.2016. It is the petitioners' case that there have been no structural alterations to the building and it is being used as per defined user.
5. Mr. Parag Tripathi, the learned Senior Advocate appearing for the



petitioner in W.P.(C) No. 10447/2020, submits that the so called ‘violations’ recorded in the order of the Corporation dated 02.12.2020 have been removed. In any case, most of them were issues concerning the day-to-day management of the medical facilities. He submits that it is not possible to attain standards of absolute perfection at all times viz. removal of bio-medical wastes, the moment it is generated, because all such waste is collected together and then disposed-off as per the schedule prepared for removal/disposal of such waste. He submits that the generators have been relocated/removed from the site and flower pots have been rearranged. The petitioners argue that the objective of the impugned order is that the user of the building/premises ought to be as per statutory specifications. The petitioners undertake to strictly comply with the same and promptly rectify such aspects which the Corporation may find objectionable or irregular.

6. Mr. Parag Tripathi submits that the property shall be used in terms of the extant byelaws. Mr. Kirti Uppal, the learned Senior Advocate appearing for the petitioners/owners of the building in W.P.(C) No. W.P. (C) 10470/2020, states that that the property will be used as per law.
7. In view of the above, it will be open to the Corporation to inspect the premises, if it so desires, and intimate the petitioners in case any further compliance is to be done.
8. Renotify on 19.05.2021.
9. In the interim, the impugned order dated 02.12.2020 shall be kept in abeyance and no precipitate measures shall be taken against the



petitioners by the Corporation.

10. The order be uploaded on the website forthwith.

NAJMI WAZIRI, J

DECEMBER 16, 2020/rd