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

+ **CONT.CAS(C) 1231/2025 & CM APPL. 45593/2026**

BHAGWATI MARKET SHOPKEEPERS ASSOCIATION

(REGISTERED)

.....Petitioner

Through: Mr. PR Chopra, Advocate.
(M): 9210216998

versus

VIJAY KUMAR & ORS.

.....Respondents

Through: Mr. Siddhant Nath, SC, MCD with
Mr. Bhavishya Makhija and Mr.
Amaan Khan, Advocates for MCD.
(M): 9910870397
Email: siddhantadv.nath@gmail.com

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

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21.07.2026

CM APPL. 45593/2026

1. The present application has been filed on behalf of the petitioner, seeking directions to the respondents to abide by the orders dated 30th November, 2022, and 10th March, 2025, passed by the Division Bench of this Court in *CONT.CAS(C) 412/2022*. There is further prayer to direct the respondent to not fix cement slabs to cover the open drain, without necessary sanctions from all the concerned authorities.

2. Learned counsel appearing for the petitioner submits that this Court *vide* order dated 06th July, 2026, has directed the Municipal Corporation of



Delhi (“MCD”) to do the needful for covering the open drain in question with removable cement slabs. However, during the meeting on 06th January, 2026 with the MCD, the petitioner had pointed out that such covering of open *nalla* may not be permissible by the Delhi Jal Board (“DJB”), and, that it may be against the letter and spirit of orders of the National Green Tribunal (“NGT”).

3. It is further submitted that the Principal Bench of the NGT is seized of similar matters and in the matter of *O.A. No. 06/2012*, titled as *Manoj Misra versus Union of India & others*, an order dated 13th January, 2015, was passed, wherein, it had been directed that all the drains shall be kept obstruction free by the MCD. Thus, the MCD is prohibited from covering the open drain/*nalla*, passing through Moti Nagar, Tanga Stand.

4. Thus, it is submitted that in the present circumstances, the MCD be directed to construct the shops within the site of the parking at the Tanga Stand, Moti Nagar, as was originally offered by the MCD and agreed to by the petitioner.

5. Issue notice. Notice is accepted by learned counsel appearing for the respondents.

6. Let reply/Status Report be filed before the next date of hearing.

7. List on 31st July, 2026, i.e., the date already fixed.

MINI PUSHKARNA, J

JULY 21, 2026

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