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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 12578/2024, CM APPL. 52354/2024 and CM APPL. 52355/2024 (Ex.)

SIR SOBHA SINGH AND SONS PVT. LTD.Petitioner

Through: Mr. Rajiv Nayar, Sr. Adv with Mr. Aman Ahluwalia, Mr. Jappan Preet Hora, Mr. Devang Kumar and Ms. Manjira Dasgupta, Advs.

versus

NEW DELHI MUNICIPAL COUNCILRespondent

Through: Mr. R. K. Dhawan, SC for NDMC with Ms. Nisha Dhawan, Mr. V. K. Teng, Ms. Shivani Taneja and Mr. Raghav Alok, Advs.

CORAM:
HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER
% **09.09.2024**

CM APPL. 52356/2024 (Ex.)

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

W.P.(C) 12578/2024, CM APPL. 52354/2024 and CM APPL. 52355/2024
(Ex. for filing lengthy synopsis)

3. Heard learned senior counsel appearing for the petitioner, who submits that the impugned notice dated 28.03.2019 itself is against the mandate of proviso to Sub-Section 1 of Section 72 of the New Delhi



Municipal Council Act, 1994.

4. He further submits that upon raising objection with respect to the validity of the said notice, the respondent, *vide* order dated 04.02.2021, has rejected the same.

5. Learned senior counsel subsequently draws the attention of the Court to the order dated 06.12.2021 passed by this Court in W.P. (C) 7136/2020 and thereafter, indicates towards the liberty granted to the petitioner *vide* order dated 09.08.2024 in the said case to file a fresh writ petition.

6. Notice.

7. Learned counsel appearing for the respondent accepts notice.

8. The respondent is directed to file a counter affidavit within a period of three weeks from today.

9. Rejoinder affidavit, if any, be filed within a period of two weeks thereafter.

10. List this matter on 02.12.2024.

PURUSHAINDRA KUMAR KAURAV, J
SEPTEMBER 9, 2024/p