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

+ W.P.(C) 5449/2016

VISHAL KUMAR

..... Petitioner

Through: Mr. Vineet Malhotra, Advocate with
Mr. Shubhendu Kaushik, Advocate.

versus

NEW DELHI MUNICIPAL COUNCIL

..... Respondent

Through: Ms. Puja Kalra, Advocate with Mr.
Virender Singh, Advocate.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **07.08.2019**

As recorded in order dated 02.06.2016, while the remedy of an appeal before the District Judge was available to the petitioner against the impugned order dated 02.05.2016 made by the Appellate Tribunal, MCD (ATMCD), the present petition was entertained since this court was seized of another matter, being W.P.(C) No.10074/2015 titled ***Central Bank of India vs. NDMC***, on the issue whether the respondent/NDMC has the power to levy and collect misuse charges under Clause 15.9(v) of Master Plan for Delhi 2021.

Ms. Puja Kalra, learned standing counsel appearing for the respondent states that the said petition has since been decided; and by judgment dated 07.01.2019, a Co-ordinate Bench of this court has *inter alia* upheld the NDMC's power to impose misuse charges. Ms. Kalra further points-out that the record of the present proceedings



shows that action against the petitioner's premises had been initiated at the instance of the Monitoring Committee appointed by the Supreme Court in W.P.(C) No.4677/1985 titled as ***M.C. Mehta Vs. Union of India & Ors.***; and therefore, in accordance with the mandate of the Supreme Court as contained in the orders made in the aforesaid matter, the High Court is mandated not to entertain any petition or proceedings challenging the actions of the Monitoring Committee; and any such challenge would lie only before the Supreme Court.

Learned counsel appearing for the petitioner seeks time to examine the aforesaid two aspects.

At request of counsel for the petitioner, list on 2nd December 2019.

ANUP JAIRAM BHAMBHANI, J

AUGUST 07, 2019

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