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

+ W.P.(C) 3758/2017

PRIYA SETHI & ANR Petitioners

Through: Mr. Arvind Nigam, Sr. Adv.
with Mr. Neeraj Yadav, Adv.

versus

NEW DELHI MUNICIPAL COUNCIL & ANR

..... Respondents

Through: Mr. Yoginder Handoo, ASC
with Mr. Ashwin Kataria and
Ms. Medha Gaur, Advs.

101

+ W.P.(C) 4614/2013 & CM. No. 10584/2013 (Stay)

DEVANSH GASES PRIVATE LIMITED Petitioner

Through: Mr. Jai Sahay Endlaw,
Mr. A. S. Mathur, Mr. Prabal
Mehrotra and Mr. Sarvpriya
Makkar, Advs.

versus

NEW DELHI MUNICIPAL COUNCIL & OTHERS

..... Respondents

Through: Mr. Abhinav Singh and
Mr. Akshay Verma,
Advs. for NDMC.

102

+ W.P.(C) 2189/2016

M/S NIMBUS PROPMART PVT LTD AND ANR

..... Petitioners

Through: Mr. Debesh Panda, Mr.
Kanishk Aggrawal and Mr.



Ojaswa Pathak, Advs.

versus

UNION OF INDIA AND ORS

..... Respondents

Through: Ms. Manisha Agrawal Narain,
CGSC with Mr. Sandeep Singh
Somaria and Ms. Khushi
Mangla, Advs. for UoI.
Mr. Yoginder Handoo, ASC
with Mr. Ashwin Kataria and
Ms. Medha Gaur, Advs. for
NDMC.
Mr. Siddharth Panda, Adv. for
R-2.

103

+ W.P.(C) 5483/2020, CM APPL. 31011/2020 (U.S. 151 CPC),
CM APPL. 31697/2021 (140 Days Delay in Reply) & CM
APPL. 41149/2021 (for impleadment)

ASHISH JAIN & ANR.

..... Petitioners

Through: Mr. Amitabh Chaturvedi and
Mr. Sangeebh Mohan K., Advs.

versus

NEW DELHI MUNICIPAL COUNCIL

..... Respondent

Through: Mr. Yoginder Handoo, ASC
with Mr. Ashwin Kataria and
Ms. Medha Gaur, Advs. for
NDMC.

105

+ W.P.(C) 13290/2018, CM APPL. 20447/2021 (Direction), CM
APPL. 24859/2024 (Direction) & CM APPL. 24860/2024 (120
Days Delay in Refiling)

M/S 21 CENTTURY CONSTRUCTIONS LIMITED

..... Petitioner

Through: Mr. Ashish Verma and Mr.



Kartikay Bhargava, Advs.

versus

NEW DELHI MUNICIPAL COUNCIL AND ORS.

..... Respondent

Through: Mr. Yoginder Handoo, ASC
with Mr. Ashwin Kataria and
Ms. Medha Gaur, Advs.
Mr. Ripu Daman Bhardwaj,
CGSC with Mr. Kushagra
Kumar and Mr. Abhinav
Bhardwaj, Advs.

106

+ W.P.(C) 7094/2021 & CM APPL. 12947/2023 (Direction)
PRIYA JAIN & ANR.

..... Petitioner

Through: None.

versus

NEW DELHI MUNICIPAL COUNCIL & ORS.

..... Respondent

Through: Mr. Siddharth Khatana, Adv.
for R-3.
Mr. Aditya Vikram Singh, ASC
for NDMC.

107

+ W.P.(C) 13869/2021
M/S TRINITY BUILDCON INDIA PRIVATE LIMITED
AND ANOTHER

..... Petitioners

Through: Mr. Gyanendra Kumar, Ms.
Shreya Som, Ms. Shree Sinha
and Mr. Shivam Tiwari, Advs.

versus

THE NEW DELHI MUNICIPAL COUNCIL & ORS.

..... Respondents

Through: Mr. Sriharsha Peechara, SC



with Ms. Harshita Gupta, Mr.
Akshat Kulshreshtha and Mr.
Shubham Mishra, Advs.

108

+

W.P.(C) 9968/2021

NEELIMA TRIPATHI

..... Petitioner

Through: None.

versus

NEW DELHI MUNICIPAL COUNCIL & ORS.

..... Respondents

Through: Mr. Vipul Ganda, ASC with
Ms. Sakshi Rastogi and Mr.
Ishan Upadhaya, Advs. for
NDMC.
Mr. Vijay Joshi, SPC with Mr.
Shubham Chaturvedi, Adv. for
UoI.
Mr. Aditya Vikram Singh, ASC
for NDMC.

109

+

W.P.(C) 881/2022

NEELIMA TRIPATHI

..... Petitioner

Through: None.

versus

NEW DELHI MUNICIPAL COUNCIL & ORS.

..... Respondents

Through: Mr. Yoginder Handoo, ASC
with Mr. Aditya Vikram Singh,
ASC along with Mr. Ashwin
Kataria and Ms. Medha Gaur,
Advs. for NDMC.
Mr. Vijay Joshi, SPC with Mr.
Shubham Chaturvedi, Adv. for
UoI.

110



+ W.P.(C) 10206/2023, CM APPL. 39531/2023 (Interim Order)
& CM APPL. 24448/2024 (Direction)
CHANDA SINGH Petitioner

Through: Mr. Trideep Pais, Sr. Adv. with
Ms. Sanya Kumar and Ms.
Gargi Sethee, Advs.

versus

NEW DELHI MUNICIPAL COUNCIL & ORS.

..... Respondents

Through: Mr. Yoginder Handoo, ASC
with Mr. Aditya Vikram Singh,
ASC along with Mr. Ashwin
Kataria and Ms. Medha Gaur,
Advs. for NDMC.
Mr. Bharathi Raju, Adv. for
UoI.

111

+ W.P.(C) 8827/2022, CM APPL. 26624/2022 (Direction) & CM
APPL. 26625/2022 (exemption)

ANIL KUMAR MEHRA Petitioner

Through: Mr. Sushil Dutt Salwan, Sr.
Adv. with Mr. Arjun Garg,
Adv.

versus

NEW DELHI MUNICIPAL COUNCIL & ANR.

..... Respondents

Through: Mr. Akshay Verma and Mr.
Abhinav Singh, Advs. for
NDMC.

112

+ W.P.(C) 17068/2022
SUNIL VACHANI AND ANR Petitioners

Through:

versus



NEW DELHI MUNICIPAL COUNCIL AND ANR

..... Respondents

Through: Mr. Akshay Verma and Mr.
Abhinav Singh, Advs. for
NDMC.
Mr. Bhagwan Swaroop Shukla
and Mr. Venkat Mani Tripathi,
Advs.
Ms. Manisha Agrawal Narain,
CGSC with Mr. Sandeep Singh
Somaria and Ms. Khushi
Mangla, Advs. for UoI.

113

+ W.P.(C) 1588/2023
M/S ATEEYA ESTATES PVT. LTD. & ANR. Petitioners
Through: None.

versus

NEW DELHI MUNICIPAL COUNCIL & ANR.

..... Respondents

Through: Mr. Yoginder Handoo, ASC
with Mr. Aditya Vikram Singh,
ASC along with Mr. Ashwin
Kataria and Ms. Medha Gaur,
Advs. for NDMC.

114

+ W.P.(C) 17530/2022
RITU KHANNA Petitioner
Through: Mr. Sushil Dutt Salwan, Sr.
Adv. with Mr. Arjun Garg,
Adv.

versus

NEW DELHI MUNICIPAL COUNCIL & ANR.

..... Respondents

Through: Mr. Yoginder Handoo, ASC



with Mr. Aditya Vikram Singh,
ASC along with Mr. Ashwin
Kataria and Ms. Medha Gaur,
Advs. for NDMC.

115

+ W.P.(C) 923/2023
ANITA SINGHVI

..... Petitioner

Through: Mr. Amitabh Chaturvedi and
Mr. Sangeebh Mohan K., Advs.

versus

1. NEW DELHI MUNICIPAL COUNCIL & ORS.

..... Respondents

Through: Mr. Neeraj Kumar, ASC for
NDMC.
Mr. Dhruv Mohan, ASC for
NDMC.

116

+ W.P.(C) 3311/2023
FOUR CORNER DEVELOPERS PVT LTD & ANR.

..... Petitioners

Through: Mr. Amitabh Chaturvedi and
Mr. Sangeebh Mohan K., Advs.

versus

NEW DELHI MUNICIPAL COUNCIL & ORS.

..... Respondents

Through: Mr. Neeraj Kumar, ASC for
NDMC.

117

+ W.P.(C) 2196/2023
M/S SINDHU REALTORS LTD. & ANR. Petitioners

Through: Mr. Amitabh Chaturvedi and
Mr. Sangeebh Mohan K., Advs.

versus



NEW DELHI MUNICIPAL COUNCIL & ORS.

..... Respondents

Through: Mr. Tushar Sannu, ASC with
Mr. Hardik Saxena, Adv.

118

+ W.P.(C) 5409/2024 & CM APPL. 22342/2024 (Interim Stay)
MD OVERSEAS PVT Petitioner

Through: Mr. Darpan Wadhwa, Sr. Adv.
with Mr. Anukrit Gupta, Mr.
Arbaaz Hussain, Mr. Arihant
Jain and Ms. Divita, Advs.

versus

NEW DELHI MUNICIPAL COUNCIL & ORS.

..... Respondents

Through: Mr. Arun Birbal and Mr. Sanjay
Singh, Advs. for NDMC.
Mr. Sanjay Sharma, ASC with
Mr. Pardeep Suhag, Adv.
Ms. Avshreya Pratap Sing
Rudy, SPC with Ms. Usha
Jannal, Adv. for UoI.

CORAM:

HON'BLE MR. JUSTICE YASHWANT VARMA

**HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR
KAURAV**

ORDER

30.04.2024

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CM APPL. 39530/2023 (exemption) in W.P.(C) 10206/2023

CM APPL. 6026/2023 (exemption) in W.P.(C) 8827/2022

1. Allowed, subject to all just exceptions.
2. Applications are disposed of.

W.P.(C) 5409/2024 & CM APPL. 22342/2024 (Interim Stay)

3. Notice. Since the respondents are duly represented by learned



counsels, let a reply be filed within a period of three weeks from today. The petitioner shall have two weeks therefrom to file a rejoinder affidavit.

4. Let the matter be called again on 12.08.2024.

5. Following the interim orders which have operated in the connected writ petitions, we provide that subject to the payment of the admitted liability by the writ petitioner, the respondents shall stand restrained from taking further coercive steps.

W.P.(C) 4614/2013 & CM. No. 10584/2013 (Stay)

W.P.(C) 2189/2016

W.P.(C) 5483/2020, CM APPL. 31011/2020 (U.S. 151 CPC), CM APPL. 31697/2021 (140 Days Delay in Reply) & CM APPL. 41149/2021 (for impleadment)

W.P.(C) 3758/2017

W.P.(C) 13290/2018, CM APPL. 20447/2021(Direction), CM APPL. 24859/2024 (Direction) & CM APPL. 24860/2024 (120 Days Delay in Refiling)

W.P.(C) 7094/2021 & CM APPL. 12947/2023 (Direction)

W.P.(C) 13869/2021

W.P.(C) 9968/2021

W.P.(C) 881/2022

W.P.(C) 10206/2023, CM APPL. 39531/2023 (Interim Order) & CM APPL. 24448/2024 (Direction)

W.P.(C) 8827/2022, CM APPL. 26624/2022 (Direction) & CM APPL. 26625/2022 (exemption)

W.P.(C) 17068/2022

W.P.(C) 1588/2023

W.P.(C) 17530/2022

W.P.(C) 923/2023

W.P.(C) 3311/2023

W.P.(C) 2196/2023

6. With the consent of the parties, we designate W.P.(C) 3758/2017 as the lead matter. The Union-respondent shall file a reply in respect to the challenge which stands raised with respect to Section 63(2) of the New Delhi Municipal Council Act, 1994 within a period



of two weeks. The petitioner shall have two weeks therefrom to file the rejoinder affidavit.

7. The Union affidavit which is proposed to be filed in the aforementioned writ petition shall also stand adopted in all other matters insofar as the constitutional challenge is concerned.

8. The affidavit which the Union shall file in W.P.(C) 3758/2017 shall be circulated to all learned counsels representing the writ petitioners.

9. Let this batch be put down for final disposal on 12.08.2024 in the category of “End of Board”.

10. We accord liberty to learned counsels for parties to place their Brief Synopsis of Submissions on record at least 48 hours prior to the date fixed. Those submissions shall refer to the pdf page numbers of the digital record of the Court wherever so required.

YASHWANT VARMA, J.

PURUSHAINDR KUMAR KAURAV, J.

APRIL 30, 2024/p