



2025:DHC:8140



\$~63

\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% **Date of decision: 15<sup>th</sup> September, 2025**+ **W.P.(C) 14159/2025 & CM APPL. 58096/2025****AMBER BAWA THROUGH ITS POA HOLDER M.S.****BAWA****.....Petitioner****Through: Mr. Shobhit Garg and Mr. Aayush  
Malhotra, Advs. (Through VC)****versus****MUNICIPAL CORPORATION OF DELHI****.....Respondent****Through: Mr. Ashutosh Gupta, Adv. for MCD****CORAM:****HON'BLE MS. JUSTICE MINI PUSHKARNA****MINI PUSHKARNA, J (ORAL):**

1. The present writ petition has been filed challenging the sealing of the Unit Nos. S-1 and S-2 (front unit of second floor), F-3 and F-4 (rear unit of first floor) of the property bearing *No. D-32, NDSE Part-I, New Delhi-110049*, by the Municipal Corporation of Delhi ("MCD").
2. Learned counsel appearing for the petitioner draws the attention of this Court to the order dated 17<sup>th</sup> October, 2022, passed by the Monitoring Committee, wherein, the property in question has been directed to be permanently de-sealed. The order dated 17<sup>th</sup> October, 2022, passed by the Monitoring Committee, reads as follows:



2025:DHC:8140

**Case No.846/2022**

**Sub.:Regarding permanent de-sealing of Premises bearing D-32 (Rear Side Second Floor), NDSE Part-I, New Delhi-110049.**

**17.10.2022**

Present: None

File taken up on the request letter dated 27.07.2022 from the applicant (received on 01.09.2022) wherein applicant agreed to pay penalty and compounding fee of own portion and regularisation charges in respect of the entire property.

In view of above, order dated 20.07.2022 is accordingly modified to the extent and shall be read as under:-

*In view of above, impugned premises bearing Property No.D-32 (Rear Side Second Floor), NDSE Part-I, New Delhi-110049 is hereby permanently desealed subject to payment of penalty of respective portion at prevailing rates and compounding/regularization fee/charges in respect of entire building as conveyed by the Department. Further, on filing of an undertaking in the form of an affidavit by applicant before DC/Central Zone to the effect that impugned premises shall be used for residential purposes till regularization Plan is issued and no unauthorized construction shall be carried out in future. The directions of the Hon'ble Supreme Court of India in the matter of WPC No.4677/1985 (MC Mehta V/s UOI & Ors.) passed from time to time shall be complied with and non-compliance of the same would be subject to offence of perjury and contempt. Any subsequent violation, in future, of above-mentioned conditions and undertaking shall be sufficient to reseal the subject property without any prior Notice.*

The application of the applicant is disposed off in above terms. File be consigned to Record Room.

Copy of the order be sent to the DC/Central Zone and applicants for compliance. The compliance Report be submitted within a fortnight.

*[Signature]*  
17/10/22  
Members  
Monitoring Committee

3. Learned counsel appearing for the petitioner also draws the attention of this Court to the order dated 10<sup>th</sup> April, 2017, passed by the Appellate Tribunal, MCD ("ATMCD"), in *Appeal No. 609/ATMCD/2013*, wherein, it has been directed as follows:



2025:DHC:8140



“xxx xxx xxx”

24. Since the appellants have paid the 10 times penalty for misusing the premises and further ready to give the undertaking that they will use their respective portions of the property in question for residential purpose till they pay the charges for additional FAR and conversion charges, therefore, I allow the appeals and order to desal the property in question i.e. S-1 & S-2 on second floor, F-3 & F-4 rear portion off first floor and rear portion of second floor of property bearing No.D-32, NDSE-I, New Delhi, subject to furnishing an undertaking that they will not use the property for commercial or against the use as permitted in the MPD-2021 and will use the same for residential purpose and till they pay the charges for additional FAR and conversion charges, if any, and till then will use the same for residential purpose. The violation of any such undertaking will give full liberty to the MCD to reseal the property without any further notice to the appellants. Respondent MCD also at liberty to initiate action against unauthorized construction in the property in question as per law. The above affidavits be submitted before this Tribunal and copy to the Dy. Commissioner concerned and once it is accepted by this Tribunal then the property in question be desealed thereafter within 15 days. Record of the respondent alongwith copy of the order be sent back. One copy of the order be sent to the Monitoring Committee for information and one copy of the order be sent to the Dy. Commissioner concerned for compliance. Original copy of the order be placed in appeal filed No.444/13 and attested copies of the order be placed in other appeals. Appeal files be consigned to record room.

(SANJEEV KUMAR)  
Appellate Tribunal : MCD  
10.04.2017

xxx xxx xxx”

4. Issue notice. Notice is accepted by learned counsel appearing for the respondent-MCD, who submits that the present writ petition is not maintainable, as the petitioner is required to approach the Monitoring Committee with a prayer for de-sealing of the premises in question. He further submits that the petitioner has not approached the MCD yet.

5. Having heard learned counsels appearing for the parties, this Court notes that in the present matter, the petitioner has already approached the Monitoring Committee, which, by its order dated 17<sup>th</sup> October, 2022, has already directed the de-sealing of the property in question.



2025:DHC:8140



6. Further, *vide* order dated 10<sup>th</sup> April, 2017, passed by the ATMCD, there are orders for de-sealing of the property in question in favour of the petitioner. Therefore, the petitioner is not required to approach the Monitoring Committee again.

7. It is to be noted that the present writ petition has been filed only with a view to implement the orders passed by the Monitoring Committee and the ATMCD, wherein, directions have been given for de-sealing of the property of the petitioner. Therefore, the present writ petition would be maintainable before this Court.

8. Considering the fact that there are already directions by the Monitoring Committee and the ATMCD for de-sealing of the property of the petitioner, it is directed that the petitioner shall forthwith make a representation to the Deputy Commissioner, MCD, Central Zone.

9. The petitioner shall comply with all the directions of the MCD and shall complete all the compliances, including, payment of any fees/penalties, as may be directed by the MCD.

10. Upon the petitioner meeting all the compliances and fulfilling all the directions as may be issued by the MCD, the MCD shall proceed to do the needful for de-sealing of petitioner's property.

11. With the aforesaid directions, the present writ petition, along with the pending application, is accordingly disposed of.

**MINI PUSHKARNA, J**

**SEPTEMBER 15, 2025/KR**