

**IN THE COURT OF SH. AMIT KUMAR :**  
**DISTRICT & SESSIONS JUDGE-CUM-PRESIDING OFFICER,**  
**APPELLATE TRIBUNAL, M.C.D., DELHI.**

**APPEAL NO. 594/ATMCD/13**

**Sh. Anjani Baranwal  
S/o Sh. Surendra Kumar Baranwal,  
R/o E-980, C.R. Park,  
New Delhi-110019.**

**..... Appellant**

**Vs**

**1. South Delhi Municipal Corporation,  
Through its Commissioner,  
Civic Centre, Minto Road  
New Delhi.**

**2. Deputy Commissioner, SDMC,  
Central Zone, Lajpat Nagar,  
New Delhi-24**

**.....Respondent**

<b>Date of Filing of Appeal</b>	<b>:</b>	<b>14.08.2013</b>
<b>Date of Order</b>	<b>:</b>	<b>16.10.2025</b>

**ORDER**

1. This appeal has been preferred seeking de-sealing of basement and ground floor of property no. E-980, C.R. Park, New Delhi.
2. The brief facts necessary are that the property of the appellant was sealed in pursuance to order 26.04.2010 passed under Section 345A DMC Act in pursuance to directions of Hon'ble Supreme Court in the matter of M.C. Mehta Vs. Union of India & Ors. dated 16.02.2006 and 24.03.2006. This appeal has been filed after the permission by granted by Hon'ble Supreme Court vide order dated 30.04.2013 and a public notice dated 02.08.2013 issued by the respondent. As per appellant the appellant having a license to run game parlour and family entertainment centre had deposited all conversion, FAR and parking

charges. It is claimed that there is no violation of rules and regulation and bye-laws in any manner as the license issued by the respondent was valid upto 2011. The appellant in the proceedings before Monitoring Committee filed detailed affidavit on 01.02.2011 undertaking to abide by all the orders passed by Hon'ble Supreme Court of India and claim that no penalty is laviabale. The Monitoring Committee however, passed order on 29.06.2011 stating that penalty equal to 10 times of annual conversion charges is payable. In the present appeal the basic contention of the appellant is that no penalty is payable. It was argued for the appellant that as per official notings of the respondent dated 08.03.2011, the appellant has deposited all the charges and in view of deposition of the charges no penalty is laviabale and further similar notings exists on 20.05.2011 and in view of these notings the respondent cannot ask for any penalty.

3. Ld counsel for the respondent on the other hand has argued that the date of registration of the activity is 06.04.2009 on the ground floor and 24.08.2009 for the basement and misuse charges are Rs. 26,96,196/- and further penalty is payable under the provision 15.9 (iv) – Chapter 15 of MPD-2021 and the activity of the restaurant was not permissible and was allowed only after notification dated 24.10.2019 and therefore without payment of penalty, the property cannot be de-sealed.
4. Record shows that a letter dated 06.09.2013 was issued by the Govt. of NCT of Delhi wherein it was stated that as per letter dated 11.11.2010 issued by Director (MP), DDA eating house is not permitted in mixed use land. Prior to that a meeting was held on 17.05.2013 by Chief Secretary, Delhi in the presence of Commissioner, MCD where it was noted that in some cases MCD was issuing eating house licenses on mixed use roads. It was stated that in view of the letter from Monitoring Committee and letter of DDA eating house is not covered under retail shops and it was decided that license for restaurant on notified mixed land use on payment of conversion and parking charges shall not be included in the negative category under para 15.6.2 of MPD-2021, subject to that the same shall not cause public inconvenience. In view of these letter and minutes of the meeting, it cannot be said the use of the sealed premises was in contravention of

MPD-2021 or that any penalty is payable. The official notings of the respondent dated 08.03.2011 and 10.05.2011 clearly supports the argument of the appellant that no penalty is laviable. The misuser and conversion charge have already deposited. The appellant has also submitted affidavit that no activity contrary to MPD-2021 shall be carried out in the basement and grand floor of property no. E-980, C.R. Park, New Delhi shall be carried out.

5. In view of this discussion, the appeal is allowed. The respondent is directed to de-seal the ground floor and basement of property no. E-980, C.R. Park, New Delhi within four weeks from today. The appellant shall furnish a fresh undertaking that the premises shall not used for any purpose in violation of MPD-2021 with the respondent. The misuser charges, the additional FAR charges for basement, conversion charges, parking charges, if any, be also paid forthwith. Record of the respondent, if any, be returned along with copy of this order and appeal file be consigned to record room.

**Announced in the Open Court,  
Today i.e. on 16.10.2025**

**(AMIT KUMAR)  
District Judge-cum-P.O.  
Appellate Tribunal : MCD Delhi**