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

+ W.P.(C) 10659/2023

CARL ZEISS INDIA BANGALORE PRIVATE  
LIMITED

..... Petitioner

Through: Ms. Amrita Mishra, Mr. Vishal  
Sharma, Advocates.

versus

MUNICIPAL CORPORATION OF DELHI ..... Respondent

Through: Mr. Janender Kumar Chumbak,  
ASC for MCD.

**CORAM:**

**HON'BLE MR. JUSTICE PRATEEK JALAN**

**ORDER**

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**11.08.2023**

**CM APPL. 41329/2023 (for exemption)**

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

**W.P.(C) 10659/2023 & CM APPL. 41328/2023 (Stay)**

1. Issue notice. Mr. Janender Kumar Chumbak, learned Additional Standing Counsel, accepts notice on behalf of Municipal Corporation of Delhi ["MCD"].
2. By way of this petition, the petitioner seeks to challenge a notice dated 27.06.2023 issued under Sections 345A read with Section 491 of the Delhi Municipal Corporation Act, 1957 ["the Act"] by which it has been asked to show cause as to why its property bearing *No. A-26/6, Mohal Cooperative Industrial Estate, New Delhi – 110044* not be sealed.

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3. The petitioner has replied to the show cause notice by a letter dated 06.07.2023. Mr. Chumbak states that the matter is still under consideration of the MCD and submits that the present petition is, therefore, premature.

4. Ms. Amrita Mishra, learned counsel for the petitioner, submits that the MCD has wrongly invoked jurisdiction under Section 345A of the Act in respect of alleged misuser of the premises. She relies upon the decision of the Division Bench of this Court in *Balaji Departmental Stores vs. MCD and Ors.* [AIR 2002 Delhi 520]. She submits that this contention has not been taken in the reply to the show cause notice which is only on factual grounds.

5. Without admitting the correctness of the legal submission now advanced, Ms. Mishra states that this issue will also be considered by the MCD while passing a final order pursuant to the impugned show cause notice.

6. The petitioner is permitted to submit an additional reply to the show cause notice by 14.08.2023 raising this contention, which the MCD will consider as part of the petitioner's reply to the show cause notice.

7. The petition, alongwith the pending application, is dismissed with these directions.

**PRATEEK JALAN, J**

**AUGUST 11, 2023**  
"Bhupi"/