

M/S Chintpurni Overseas Private ... vs The Govt. Of Nct Of Delhi And Anr on 17 June, 2020

Author: Prathiba M. Singh

Bench: Prathiba M. Singh

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IN THE HIGH COURT OF DELHI AT NEW DELHI

W.P.(C) 3576/2020 & CM APPLs. 12719/2020, 1

M/S CHINTPURNI OVERSEAS PRIVATE LIMITED Peti

Through: Mr. Ashutosh Gup

versus

THE GOVT. OF NCT OF DELHI AND ANR.

Through: Mr. Satyakam, Additional St

Counsel for Govt. of NCT of

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% 17.06.2020

1. This hearing has been held through video conferencing.
2. Issue notice. Notice is accepted by Mr. Satyakam, Additional Standing Counsel for Govt. of NCT of Delhi.
3. At the outset, both ld. counsel submit, on a query from the Court, that this particular writ relates to a banquet hall and is not connected to any other writ pending before this Court. Accordingly, this Court proceeds to hear this matter.
4. The present petition has been filed by a private limited company which runs a banquet hall by the name "Marina Dreams Banquet" in the Wazirpur Industrial Area. Vide order dated 12th June, 2020, the District Authority has requisitioned the said banquet hall under the provisions of the Disaster Management Act, 2005 (hereinafter, "DMA 2005") for being converted into an extended COVID hospital. The said order has been challenged by the Petitioner.
5. Mr. Ashutosh Gupta, ld. counsel for the Petitioner, submits that vide various orders passed by the Delhi Disaster Management Authority and the Ministry of Home Affairs, marriage functions with a

gathering of not more than 50 members, duly observing social distancing norms, were permitted w.e.f. 18th May, 2020 and thereafter, again on 30th May, 2020 and 1st June, 2020. Accordingly, the Petitioner has made bookings for marriages. However, on 12th June, 2020, the impugned order has been passed requisitioning the banquet hall for converting it into an extended COVID hospital. Ld. counsel submits that this particular order is completely contrary to law and is liable to be quashed.

6. Mr. Satyakam, Id. Additional Standing Counsel, submits that the powers of the Government under DMA 2005 are quite broad. He has taken the Court through Sections 30, 34 and 65 of DMA 2005 to argue that any resources, any premises or any building belonging to any authority or person can be requisitioned by the Government under the provisions of this Act. Ld. Counsel submits that the banquet halls have been taken over and are going to be attached as COVID facilities, with hospitals, in view of the lack of space due to the outbreak of the pandemic. He submits that a large number of premises have been requisitioned by the Government. He further relies on orders passed by a Co-ordinate Bench of this Court in respect of some hotels and the expert committee report submitted therein. Mr. Gupta however submits that these orders are not relevant as they are in the context of hotels. Ld. counsel for the Petitioner wishes to cite some law in support of his case.

7. On a query from the Court as to whether public properties, such as community centres, exhibition halls, stadia etc., have also been taken over, Mr. Satyakam submits that this issue is not relevant inasmuch as the Government has the power to identify which of the facilities are suitable and effective for being converted into a COVID facility. However, without prejudice, he is willing to file a list of all the properties in the North-West Delhi region which have been requisitioned by the SDM for conversion to COVID facilities. Let the list be filed at least one day before the next date.

8. As far as the impugned order of the SDM dated 12th June, 2020 is concerned, both counsel submit that the banquet hall of the Petitioner is yet to be attached to any hospital. Mr. Satyakam submits that the banquet hall would first be furnished and then the attachment would take place.

9. It is clear from a reading of the SDM's order dated 12th June, 2020 that the banquet hall has not yet been attached to any hospital. List for further hearing on 24th June, 2020.

PRATHIBA M. SINGH, J.

JUNE 17, 2020 MR/T