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

+ W.P.(C) 4870/2025

C J INTERNATIONAL HOTELS LTD & ORS.Petitioners

Through: Mr. A. S. Chandiok, Sr. Adv., Mr. Shiv Sapra, Mr. Vishal Singh, Mr. Aviral Tripathi, Mr. Tanpreet Gulati, Advs.

versus

JOINT COMMISSIONER OF POLICE LICENSING & ORS.

.....Respondents

Through: Mr. Sandeep Tyagi, SPC and Mr. Aaksh, GP for R-1 and 2.
Ms. Harshita Nathrani, Adv. for Mr. Sameer Vashisht, SC, GNCTD for R-3 and 4.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

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17.04.2025

CM APPL.22378/2025 (Exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

CM APPL.22377/2025 (for directions)

3. The present petition has been filed by the petitioners being aggrieved by the refusal / inaction on the part of the respondents in renewing the Eating House License and Lodging License of the petitioner no.1, who has been running a hotel under the name and style of 'Hotel Le Meridien' located at Windsor Place, Janpath, New Delhi.
4. The petitioners also seek that the respondent no(s). 3 and 4, be

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restrained from calling upon the petitioner/s to furnish Health Trade License pertaining to the already renewed Excise Licenses.

5. It is submitted that in order to serve alcoholic beverages and for the purpose of running restaurant, the petitioner no. 1 is required to obtain a valid Eating House License and Lodging License. The petitioners raise a grievance as regards the respondent's insistence on the production of a valid Health Trade Licence from the NDMC as a pre-condition for renewing the petitioner no.1's Eating House License and Lodging License and the Excise Licence.

6. It is submitted that the portal of the respondent nos.1 and 2 reflects non renewal of the petitioner no.1's Eating House License and Lodging License only for want of a Health Trade Licence. It is pointed out that the issue/s pertaining to the Health Trade Licence of the petitioner, is subjudice before this Court in W.P.(C) 6463/2017, filed by the petitioners. The said petition was filed by the petitioners being aggrieved with the cancellation of the petitioner no. 1's Health Trade Licence.

7. *Vide* an interim order dated 28.07.2017 passed in the aforesaid W.P.(C) 6463/2017, the communication whereby the petitioner no.1's Health Trade Licence was sought to be cancelled was stayed by this Court. The interim order passed in the said writ petition is stated to be still in subsistence. As such, it is submitted that the non-availability / non-issuance of a Health Trade Licence cannot possibly be an impediment for the grant of an Eating House License and Lodging License to the petitioner no.1.

8. It is pointed out that in another writ petition filed by the petitioners being W.P. (C) 13539/2023, *vide* order dated 19.10.2023, it was observed by this Court as under:


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“9. This Court vide Order dated 28.07.2017 in W.P.(C) 6463/2017 had stayed the Communication dated 25.07.2017 issued by NDMC and the Petitioners have been periodically given renewal by the Respondents on the basis of the stay order which has been passed in favour of the Petitioners staying the cancellation of the health trade license. It is further stated that from 28.07.2017 till October, 2023, the Petitioner’s license is being renewed periodically even as per the conditions as stipulated in Rule 51 (10) of the Delhi Excise Rules, 2010. This fact is not disputed by learned Counsel for the Respondents.

10. In view of the above, since the cancellation of the health license stands stayed by this Court and the Respondents have been periodically renewing the license of the Petitioners, this Court does not find any impediment for directing the Respondents to grant the Petitioner L-15, L-15F, L-16 and L-16F license, as prayed for by the Petitioners, for a period from October, 2023 to March, 2024, as per the Rules.”

9. As such, in the aforesaid order, the Court took cognizance of the fact that the petitioner no.1’s Excise Licence is liable to be renewed and the same cannot be impeded for want of any Health Trade Licence.

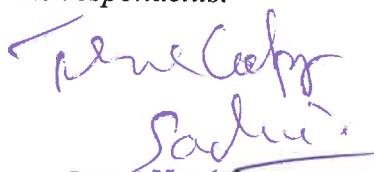
10. Likewise, it is submitted that the petitioner no.1’s Eating House License and Lodging License is also liable to be renewed.

11. Attention is drawn to yet another writ petition filed by the petitioners on account of the respondents continued unjustified inaction in timely renewing the requisite licences of the petitioner no.1. In the said writ petition, being W.P.(C) 4501/2024, an order dated 28.03.2024 was passed wherein it was observed as under:

“9. Thus, since the aspect related to cancellation of Health Trade Licence is under adjudication and there is a stay order in favour of the petitioners, as a necessary corollary and also in view of the above order dated 19.10.2023, petitioners cannot be denied excise licence merely because of the fact that they do not possess ‘Health Trade Licence’.

10. Factual position as well as the above orders passed by this Court are not even disputed by the respondents.

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11. In view of the above and also keeping in mind the fact that cancellation of the 'Health Trade Licence' already stands stayed by this Court and the respondents have already periodically renewed the licence of the petitioners, there does not seem to be any impediment if petitioners apply for grant of requisite Licence for renewal of its registration as Eating House and for obtaining the requisite Liquor Licence i.e. L-15, L-15F, L-16 and L-16F for the period 01.04.2024 to 31.03.2025 as per the existing Rules. The respondents, in the above peculiar situation, would not insist them to have or produce 'Health Trade Licence'. Needless to say that petitioners would be required to meet other eligibility criteria, if any."

12. It is submitted that despite the aforesaid orders passed by this Court, in the current year again, the respondents have sought to illegally deny the renewal of Eating House License and Lodging License to the petitioner no.1. It is the submitted that the same is manifestly arbitrary and in the teeth of the aforesaid orders passed by this Court in multiple proceedings.

13. Issue notice.

14. Learned counsel, as aforesaid, accepts notice on behalf of the respondents.

15. Learned counsel for the respondents seeks some time to take instructions and file a reply. Let the same be filed within a period of four weeks.

16. In the aforesaid circumstances, the respondent nos.1 and 2 are directed to process the petitioners' application for renewal of the Eating House License and Lodging License without insisting on a Health Trade Licence. Further, in the meantime, till the next date of hearing, respondents are restrained from taking any coercive action against the petitioners.

17. List on 05.08.2025.

18. Copy of the order be given *dasti* under the signatures of Court


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Master.

SACHIN DATTA, J

APRIL 17, 2025/cl

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