

% 29.6.2007

Present: Mr.A.S., Chandhiok Sr.Advocate with Mr.A./ Maitri and Ms. Maitri for the appellants.  
Mr. Gurav Sarin for respondent/DDA.  
Ms.Sumit Kapil for R/MCD.  
Ms. Jyoti Singh for R/NDMC.  
Mr. Ankur Chhiber for respondent No.3.

C.MI.No. 8728/2007.

Exemption allowed subject to all just exceptions. The application stands disposed of accordingly.

WP (C ) No. 4668 /2007 and CM 8727/2007

This petition also substantially rests on the pattern of writ petition filed by Delhi High Court Bar Association & Anr. Verses Union of India and Ors. being WP (C ) No. 4663/2007. It relates to the grievance of the petitioners who are doctors by profession. Apart from the grounds taken in the writ petition, which are similar to those raised in the aforementioned writ petition, they have assailed the notification No.33004 dated 20th November, 2006 also on the ground that the proposed action of the respondents imposing annual conversing charges in fact, amount to taxing the petitioners twice particularly when they are already governed by the DDA (permission of residential land and building for use as nursing home) Regulations 2003 notified on 11th March, 2003 followed by circulars dated 15th July, 2003 and 16th October, 2003 issued by the Ministry of Urban Development &



Poverty Alleviation and the MCD respectively approving the proposal to charge annual permission fee at the rate of 10%, from nursing homes for use of residential premises as nursing homes on payment of fee. It is submitted that in view aforesaid Regulation and the circulars the annual permission fee for permitting activity of running nursing homes has been fixed and the petitioner cannot be called upon now to pay annual mixed use charges and one time parking fee in terms of public notice dated 24th June, 2007. Upon inquiry counsel for the respondent/DDA concedes that the Regulation dated 11th March, 2003 as also the circulars dated 16th October, 2003 and 7th May, 1999 are still operating. This being the position we are of the prima facie view that equity demand that notification No. 33004/99 dated 20th November, 2006 and the public notice dated 24th June, 2007 be kept in abeyance till the next date of hearing. Ordered as such.

List on 10th July, 2007.

Copy of the order be given dasti under the signature of Court Master.

*H.R. Malhotra*  
**H.R. MALHOTRA**  
**(Vacation Judge)**

*Hima Kohli*  
**HIMA KOHLI**  
**(Vacation Judge)**

June 29, 2007

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*Ans*  
*29/6/2007*  
Court Master  
High Court of Delhi  
New Delhi