

SC asks Delhi Chief Secretary to appear before it over policy on holding social functions in hotels

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The Supreme Court gave the direction after the Delhi govt. told the court that they have finalised the policy and the Delhi Development Authority would have to notify it

The Supreme Court on August 19 directed the Chief Secretary of **Delhi** to be present before it on August 23 and apprise it of the policy on holding social functions and marriages in hotels, farm houses and low density residential area in New Delhi.

A Bench comprising Justices Arun Mishra and Deepak Gupta gave this direction after the counsel appearing for the Delhi government told the court that they have finalised the policy and the Delhi Development Authority (DDA) would have to notify it.

“Our policy is final. Now, the DDA will have to notify it,” the Delhi government’s counsel told the Bench.

The Bench then asked the DDA’s counsel, “How much time is required to notify this?”

The DDA’s counsel said she would have to seek instruction on the issue. She said the policy was not submitted to the DDA yet.

“As per my instructions, we [Delhi government] have sent it to the DDA,” the Delhi government’s lawyer said, adding, “Within two days, I will make sure that it [policy] is sent to the DDA”.

To this, the Bench said, “Let the Chief Secretary of Delhi be present in the court on Friday [August 23].”

At the outset, the Delhi government’s counsel said that the apex court had earlier asked it to explain as to under which provision of the law it has framed the policy.

He referred to one of the clauses of Article 239 AA of the Constitution (special provisions with respect to Delhi) and said that it gives power to the Legislative Assembly to frame such a policy.

The Delhi government had earlier told the top court that there is a scarcity of places for holding social functions and weddings and its policy on holding such functions in hotels, motels and low density residential area would “mitigate the difficulties” being faced by people here.

In an affidavit filed in the apex court, the Delhi government had said that its policy would be beneficial for people of the national capital and it provides for “accountability and penalties” for noncompliance of its provisions.

It had said that the affidavit was filed pursuant to the July 1 direction of the apex court asking it to formulate a policy for holding social functions in motels, hotels and farm houses with “special reference to extravagance in expenditure, wastage of food, water management and safety of persons attending such functions”.

As per the policy, the conditions stipulated in it would be enforced by periodical inspections by appropriate agencies.

It said that no parking will be permitted outside the authorised or approved space on the roadside and the number of guests and parking space available will have to be displayed at the main entrance on a board.

No loudspeakers or bands would be permitted beyond 10 p.m. and owners of motels, hotels and farm houses will have to obtain fire clearance from Delhi Fire Services, states the policy.

It said that owners of motels, hotels and farm houses should make sufficient arrangement for water supply for the function.

The policy states that the owner, organiser or caterer for the function must have the necessary permission, including Food Safety and Standards Authority of India (FSSAI) licence to run their kitchen.