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

+ W.P.(C) 1195/2026

MAHESH CHAND

.....Petitioner

Through: The petitioner in person (Thr. VC)

versus

GOVT OF NCT OF DELHI AND ANR

.....Respondents

Through: Mr. Shiven Varma, Advocate panel
counsel GNCTD for R-1.
Mr. Puneet Yadav, SPC for R-2/
Delhi Police.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

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28.01.2026

CM APPL. 5862/2026 (EXEMPTION)

1. Exemptions allowed, subject to all just exceptions.
2. The application stands disposed of.

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3. The instant petition is for the following reliefs:

“a. Kindly pass the order in favour of the petitioner and against the respondent no. 2 to 6 to stop the BUNON BAR AND LOUNGE situated at R.K. Ashram Marg, Metro Station, 1st Floor after 01:00 am everyday and also direct to the respondent no. 4 to 6 to take legal action against the respondent no. 2 & 3;

b. Pass any order(s) /direction(s), as this Hon'ble Court of their Lordship may deem fit and proper under the facts and circumstances of the case, in the interest of justice and for this act of kindness, the petitioner shall as in duty bound, ever pray to this Hon'ble Court of their lordships.”



4. The essential grievance of the petitioner relates to unregulated operation of respondent no. 5–Bunon Bar and Lounge (hereinafter “**said Bar**”), which causes

5. The petitioner claims that the said Bar which operates at the first floor of the RK Ashram Marg, Metro Station, remains open till 02:12 AM and on certain occasions even till 04:30 AM. He also claims that the instead of providing GST Bills, which is a requirement of law, “*Kachchi hand written slips*” are given as bills (so called). Thus, he claims, that the manner in which the said Bar operated, lies at the teeth of the applicable law, and is also a nuisance to the society at large. The petitioner submits that as a requirement of law, a bar cannot continue to function beyond 01:00 AM. He also points to complaints made by him in this regard to the Commissioner of Delhi Police dated 12.09.2025 and 29.10.2025; DCP, Delhi dated 15.09.2025; Deputy Commissioner of Excise, Entertainment and Luxury Tax dated 29.10.2025.

6. No action has been taken, according to the petitioner, by any of the authorities, whose doors it has repeatedly knocked.

7. The Delhi Excise Rules, 2010 (hereinafter ‘**the Rules, 2010**’) provides for working hours and conditions relating to sale of liquor. The sub-rule 1 of Rule 55 of the Rules, 2010 is extracted as under:

“55(1) The hours for the sale of liquor shall be such as may be specified in an order made by the Excise Commissioner and different orders may be specified for different categories of licences.”

8. The powers and functions of the Excise Commissioner are prescribed under Section 4 of the Delhi Excise Act, 2009 and it reads as under:

“4. Powers and functions of Excise Commissioner
The powers and functions of the Excise Commissioner shall be:



(a) to regulate, control and monitor manufacture, possession, import, export, transport, sale and consumption of liquor and other intoxicants;

(b) to curb illegal trade in liquor and illicit distillation;

...

(e) to ensure social well-being through education for responsible drinking;

...

(h) to perform such other functions and to exercise such other powers as may, from time to time, be entrusted or delegated to him.”

9. Bars and pubs, without doubt, are allowed to operate within the jurisdiction of this Court. The Court is reminded of the saying of late Mr. C.K. Daphtary, the first Solicitor General of India, who, while emphasising the “pub” in “republic” is stated to have said:

“Now that we are a republic, and there is no pub in it, let us hope we will not become a relic.”

10. However, the regulation of a bar, as the discussion above reveals, is governed by, *inter alia*, the Delhi Excise Act, 2009 and the Rules made thereunder. Furthermore, complaints relating to public nuisance, are also to be lawfully considered by the District Magistrate under Sections 152 to 162 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

11. In a civilized society, governed by the rule of law, a genuine complaint of a citizen should not remain unattended. The authorities are under an obligation to consider and decide upon the same in accordance with the extant rules and regulations. The right to operate and run a bar/pub must be balanced with the citizens’ and children’s right to a noise-free, peaceful, and orderly environment. The age old proverb given to ordinary citizens is “*don’t take the law into your own hand*”, the rationale obviously being that is for the authorities to wield the proverbial stick of the law, and enforce the same.

12. The rule of law requires not merely the existence of laws, but also



their timely and effective enforcement. When authorities continue to be inert on the face of complaints made to it by citizens, it not only erodes public confidence in governance, but also makes that sole individual of this country, feel remediless. Such a situation is certainly not desirable given the constitutional order under which the State and its instrumentalities are to function. It must be remembered that not everyone has easy access to Courts; for the ordinary citizen, it is the public authority which acts, effectively, as a dispute/grievance redressal forum.

13. Having considered the overall conspectus of the facts and situation, the Court finds that the grievance of the petitioner has to be taken to its logical conclusion by the respondent authorities. The petition, along with pending applications, is, therefore, disposed of with the following directions:

- (i) Let the present petition be treated as an application, and concerned Excise Commissioner to look into the petitioner's grievance, and to pass appropriate orders in relation thereto, within a period of two months from the date of receipt of the copy of this order.
- (ii) If the excise Commissioner is of the view that the grievance will have to be considered by the concerned District Magistrate, let all the authorities to work in tandem so that the complaint can be dealt with appropriately.
- (iii) All rights and contentions of the parties are left open.

PURUSHAINdra KUMAR KAURAV, J

JANUARY 28, 2026

aks/ksr