



\$~42 to 50

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

+ W.P.(C) 9841/2016 & CM APPLs. 39189/2016, 36391/2017

NORTH DELHI MUNICIPAL CORPORATION Petitioner

versus

M/S PLB INFRASTRUCTURE PVT. LTD. Respondent

+ W.P.(C) 9842/2016 & CM APPLs. 39194/2016, 36387/2017

NORTH DELHI MUNICIPAL CORPORATION Petitioner

versus

PRADEEP KUMAR GUPTA Respondent

+ W.P.(C) 9857/2016 & CM APPLs. 39234/2016, 36392/2017

NORTH DELHI MUNICIPAL CORPORATION Petitioner

versus

M/S PLB INFRASTRUCTURE PVT. LTD. Respondent

+ W.P.(C) 9869/2016 & CM APPLs. 39304/2016, 36386/2017

NORTH DELHI MUNICIPAL CORPORATION Petitioner

versus



M/S PLB INFRASTRUCTURE PVT LTD Respondent

+ W.P.(C) 9873/2016 & CM APPLs. 39319/2016, 36393/2017

NORTH DELHI MUNICIPAL CORPORATION Petitioner

versus

M/S PLB INFRASTRUCTURE PVT LTD Respondent

+ W.P.(C) 9893/2016 & CM APPL. 39368/2016

NORTH DELHI MUNICIPAL CORPORATION Petitioner

versus

SUSHMA GUPTA Respondent

+ W.P.(C) 9895/2016 & CM APPL. 39373/2016

NORTH DELHI MUNICIPAL CORPORATION Petitioner

versus

MANISH JAIN Respondent

+ W.P.(C) 9896/2016 & CM APPLs. 39375/2016, 36385/2017

NORTH DELHI MUNICIPAL CORPORATION Petitioner



versus

SALONI KHANNA

..... Respondent

+ W.P.(C) 9906/2016 & CM APPLs. 39413/2016, 12958/2017,
36394/2017

NORTH DELHI MUNICIPAL CORPORATION

..... Petitioner

versus

DEEPAK AGGARWAL

..... Respondent

Appearance:

Mr. Anand Prakash, SC for MCD with Ms. Varsha Arya and Mr. Satbeer Prajapati, Advocates for petitioner in Item No. 42 to 50.

Mr. Ajay Kohli and Ms. Dipika Prasad, Advocates for R-1 to 4, 7 to 10, 13 to 16, 18 to 20, 23 to 32, 37 to 44, 49, 50, 52 to 55, 57 to 59, 61, 67 and 69 in Item No. 43 and 47 and 50.

Mr. S.S. Sobti, Ms. Dipika Prasad and Ms. Sakshi, Advocates for R-21 in Item No.50.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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10.10.2023

1. There is some controversy between the parties as to whether these writ petitions can appropriately be dealt with by this Court under Article 226 of the Constitution of India. It is the contention of Mr. Anand Prakash, learned counsel for the Municipal Corporation of Delhi ["MCD"], that these petitions are maintainable under Article 226 of the



Constitution, by virtue of orders of the Supreme Court dated 30.04.2013 in W.P.(C) 4677/1985 [*M.C. Mehta vs. Union of India*]. However, Mr. Ajay Kohli, learned counsel for the respondents in W.P.(C) 9842/2016, W.P.(C) 9893/2016 and W.P.(C) 9906/2016, submits that the proceedings have emanated from direction of the Monitoring Committee appointed by the Supreme Court in W.P.(C) 4677/1985 [*M.C. Mehta vs. Union of India*], and would, therefore, be required to be considered either by the Monitoring Committee, or by the Judicial Committee subsequently appointed by the Supreme Court.

2. Mr. Kohli draws my attention to an order dated 18.12.2019 passed by this Court in W.P.(C) 8647/2017 [*South Delhi Municipal Corporation vs. Brigadier (Retd.) A S Popli and anr.*]. In the said order also, this Court noticed the order of the Supreme Court dated 30.04.2013 and subsequent orders, and held that MCD would be free to take steps before the Monitoring Committee or would have to approach the Supreme Court. The Judicial Committee, having since been constituted by the Supreme Court, Mr. Kohli submits that the appropriate order at this stage would be for the petitioner to approach the Judicial Committee.

3. Mr. Prakash seeks some time to consider this aspect.

4. List on 09.11.2023.

PRATEEK JALAN, J

OCTOBER 10, 2023

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