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

+ W.P.(C) 6543/2020 and CM APPL. 59109/2024

DELHI WASTE MANAGEMENT LIMITEDPetitioner

Through: Mr. Sandeep P. Agarwal, Sr. Adv
with Mr. Rajesh Pathak and Mr.
Prathamvir Agarwal, Adv.

versus

NORTH DELHI MUNICIPAL CORPORATIONRespondent

Through: Mr. Sunil Goel, Mr. Himanshu Goel,
Ms. Dimple Aggarwal and Ms.
Varsha, Adv.

+ W.P.(C) 7221/2020 and CM APPL. 59102/2024

DELHI WASTE MANAGMENT LIMITEDPetitioner

Through: Mr. Sandeep P. Agarwal, Sr. Adv
with Mr. Rajesh Pathak and Mr.
Prathamvir Agarwal, Adv.

versus

SOUTH DELHI MUNICIPAL CORPORATIONRespondent

Through: Mr. Arun Birbal and Mr. Sanjay
Singh, Adv.

+ W.P.(C) 7384/2020 and CM APPL. 59112/2024

DELHI WASTE MANAGEMENT LIMITEDPetitioner

Through: Mr. Sandeep P. Agarwal, Sr. Adv
with Mr. Rajesh Pathak and Mr.
Prathamvir Agarwal, Adv.

versus



SOUTH DELHI MUNICIPAL CORPORATIONRespondent
Through: Mr. Arun Birbal and Mr. Sanjay
Singh, Advs.

CORAM:
HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER
18.11.2024

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1. In these matters, the hearing appears to have commenced on 08.08.2024.
2. Having noted the aforesaid aspect, the Court of Hon'ble Mr. Justice Prateek Jalan, on 07.10.2024, directed the Registry to list this matter before this Court.
3. On 24.10.2024, this Court directed the respondent-Corporation to explain as to why the objection with respect to delay and laches was not raised in the W.P. (C) 9445/2016 titled as *Hind Construction Co. v. South Delhi Municipal Corporation and Ors.* The direction was necessitated keeping in mind that relying on the decisions in W.P. (C) 12084/2016 titled as *Metroro Waste Handling Pvt. Ltd. v. South Delhi Municipal Corporation*, the Court had allowed the petition in the case of *Hind Construction*.
4. It is, thus, seen that the Court was of the tentative opinion that the present writ petitions deserve to be disposed of in view of the principles laid down in the *Metroro Waste* and followed in *Hind Construction*.
5. In the instant cases, the respondent-Corporation, however, raised an objection on ground of delay and laches in filing the writ petitions.
6. When the Court directed to explain the reason as to why such an



objection was not raised in the case of *Hind Construction*, learned counsel for the respondent-Corporation filed an affidavit in compliance of order dated 24.10.2024, and gave various reasons.

7. All those reasons explained in the aforesaid affidavit, however, are strongly opposed by the learned senior counsel for the petitioner.

8. The specific objection raised by the respondent is also opposed by the learned senior counsel for the petitioner, on the ground that in the instant matter, the relief with respect to the entitlement of the labour cess is also raised. The same has not been dealt with by the Court in the case of *Metrrro Waste* as well as *Hind Construction*.

9. However, the fact remains that the matter will have to be heard, keeping in mind the principles laid down in the case of *Metrrro Waste* and *Hind Construction* as well as the objections being raised by the respondent-Corporation with respect to the filing of the writ petitions after an inordinate delay.

10. This Court, therefore, finds that since the present Court is not dealing with the relevant Roster. These petitions are, therefore, directed to be listed on 26.11.2024, before the Roster Bench subject to the approval of Hon'ble the Chief Justice.

PURUSHAINDR KUMAR KAURAV, J

NOVEMBER 18, 2024

aks/dp