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

+ **W.P.(C) 17224/2022**

SAHAKAR GLOBAL LIMITED -JV & ANR.Petitioners

versus

THE COMMISSIONER, MUNICIPAL CORPORATION
OF DELHI (ERSTWHILE SOUTH DELHI
MUNICIPAL CORPORATION)Respondent

+ **W.P.(C) 17226/2022**

SAHAKAR GLOBAL LIMITED - JV & ANR.Petitioners

versus

THE COMMISSIONER, MUNICIPAL CORPORATION
OF DELHI (ERSTWHILE SOUTH DELHI
MUNICIPAL CORPORATION)Respondent

+ **W.P.(C) 13820/2023 & CM APPL. 54618/2023**

SAHAKAR GLOBAL LIMITED-JV AND ANRPetitioners

versus

THE COMMISSIONER MUNICIPAL CORPORATION
OF DELHI ERSTWHILE SOUTH DELHI
MUNICIPAL CORPORATIONRespondent

+ **W.P.(C) 13821/2023 & CM APPL. 54621/2023**

SAHAKAR GLOBAL LIMITED JV AND ANRPetitioners

versus

THE COMMISSIONER MUNICIPAL CORPORATION



OF DELHI ERSTWHILE SOUTH DELHI
MUNCIPAL CORPORATION

.....Respondent

+ **W.P.(C) 13822/2023 & CM APPL. 54624/2023**
SAHAKAR GLOBAL LIMITED-JV AND ANR

.....Petitioners

versus

THE COMISSIONER MUNICIPAL CORPORATION
OF DELHI ERSTWHILE SOUTH DELHI
MUNCIPAL CORPORATION

.....Respondent

+ **W.P.(C) 13981/2023, CM APPL. 55202/2023 & CM APPL. 55204/2023**

SAHAKAR GLOBAL LIMITED-JV AND ANR

.....Petitioners

versus

THE COMMISSIONER MUNICIPAL CORPORATION
OF DELHI ERSTWHILE SOUTH DELHI
MUNCIPAL CORPORATION

.....Respondent

Appearances:

Mr. Mukul Talwar, Sr. Advocate with Mr. Pawan Kumar Bansal, Mr. Anand Srivastava and Mr. Ahsan Ul Haq. Advocates for Petitioners.

Mr. Sanjay Vashishtha, SC with Ms. Harshita Rai, Advocate for MCD.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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25.11.2024

1. The first question to be decided in these writ petitions is whether it is appropriate to entertain these petitions under Article 226 of the



Constitution, arising out of the contracts between the parties for collection of Toll Tax and Environmental Compensation Cess. The question of maintainability was specifically noted in the order of this Court dated 20.10.2023, by which notice was issued in W.P.(C) 13981/2023. Learned counsel for the parties are directed to file written submissions not exceeding three pages each, on this question with copies of any judgments upon which they wish to rely.

2. The submissions to be filed by the petitioners, will specifically state whether they are willing to be bound by the limited parameters of adjudication available in writ petitions, with regard to issues of procedure, natural justice, arbitrariness, capriciousness, etc. but not entailing a merits review. They will also confirm that no disputed questions of fact will be raised, which would make ordinary civil remedies more appropriate for adjudication of these disputes.

3. Mr. Mukul Talwar, learned Senior Advocate for petitioners, states that there is some confusion with regard to the counter affidavits filed, which appear to have been interchanged between the writ petitions. Mr. Sanjay Vashishtha, learned Standing Counsel for Municipal Corporation of Delhi ["MCD"], will take necessary steps to correct the record within two weeks from today.

4. Written submissions be filed within two weeks.

5. List on 24.02.2025.

PRATEEK JALAN, J

NOVEMBER 25, 2024/MR/Kb/