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

+ **CONT.CAS(C) 529/2024**

**PRINCE ENTERPRISES THROUGH SOLE PROPRIETOR MR.
SATISH LAMBA** Petitioner

Through: Mr. Rajeev Kumar & Ms. Alka
Srivastava, Advs.
M: 9810466870
Email: rajeevkumararya@yahoo.com

versus

**GYANESH BHARTI COMMISSIONER, MUNICIPAL
CORPORATION OF DELHI** Respondent

Through: Mr. Sanjay Vashishtha, SC with Mr.
Akash Mishra, Adv. for MCD.
M: 9643079008
Email: akashmishrapans@gmail.com

**CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA**

ORDER
01.04.2024

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1. The present contempt petition has been filed alleging willful disobedience of the order dated 16th November, 2023 passed in *W.P.(C) 14841/2023*, wherein the Court had recorded the submission made on behalf of the petitioner that the said writ petition be treated as a representation. Further, there were directions to the respondent-Municipal Corporation of Delhi ("MCD") to decide the said representation within a period of four weeks.
2. Learned counsel appearing for the petitioner submits that since the



said representation has still not been decided, the present petition has been filed.

3. Per contra, learned counsel appearing for the respondent-MCD has handed over a copy of order dated 01st April, 2024 issued by the Engineering Department (Headquarter), by which the representation of the petitioner has been disposed of. The said order dated 01st April, 2024 is taken on record.

4. The order dated 01st April, 2024 reads as under:

“Subject: Representation dated 17.07.2023 i.e. Writ Petition (W.P.(C) No. 14841/2023) M/s Prince Enterprise.

Please refer to your representation dated 17.07.2023 and Hon'ble High Court order dated 16.11.2023 in W.P.(C) 14841/2023 regarding the issue of payment for work executed by petitioner.

After careful consideration of the facts presented in the representation and the contentions raised in the Writ Petition, it is evident that there are significant legal and procedural issues that need to be addressed. Firstly, it must be highlighted that the bills presented by the Petitioner appear to be time-barred based on the events described in the documents provided. The respondent is unable to verify the veracity of the bills, vis-à-vis the work done. The matter in question has been subject to investigation by the Central Bureau of Investigation (CBI), and subsequent legal proceedings resulted in the dropping of charges against the MCD officials due to issues regarding prosecution sanction. This conclusion was reached by the Ld. Trial Court in 2017.

Furthermore, the refusal of the three erstwhile Municipal Corporations to grant fresh prosecution sanction against their officials, as outlined in Resolution No. 425 dated 09/03/2022 among others, indicates a lack of legal basis for pursuing further action against the employees involved. The resolutions cited deficiencies in the prosecution process and emphasize that the alleged irregularities were not committed at the execution level but were rather due to shortcomings in the circular issued by the Department.

Additionally, it is crucial to note that the Vigilance Department, MCD has encountered difficulties in retrieving information pertaining to the matter due to its age, dating back to 2005.

In light of these circumstances, the response took sometime as the



issue involved reaching out to multiple zones/divisions of respondent and it is also brought to your notice that the Respondent/Corporation is unable to allow the prayers sought in the representation. The lapse of time, coupled with the legal issues involved has been considered while deciding this representation.

The same is accordingly disposed off.”

5. Reading of the aforesaid shows that the representation of the petitioner has been disposed of thereby stating that many bills appear to be time barred and that the respondent is unable to verify the veracity of various other bills.
6. This Court notes that by order dated 16th November, 2023, the Court had recorded the categorical statement made by the petitioner that, in case the decision of the MCD is adverse to the petitioner, then, the petitioner will take appropriate civil proceedings.
7. Since the order dated 16th November, 2023 stands complied with and representation of the petitioner stands decided, no further orders can be passed in the present contempt proceedings.
8. The present contempt petition is accordingly dismissed, with liberty to the petitioner to seek appropriate remedies in accordance with law.
9. However, the legal issue with respect to limitation and entitlement of the petitioner shall be considered on merits in the legal proceedings that may be initiated by the petitioner.

MINI PUSHKARNA, J

APRIL 1, 2024

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