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

+ W.P.(C) 3361/2017, CM APPL. 14704/2017 & CM APPL. 8884/2018

MILLENNIUM CITY EXPRESSWAYS PVT.LTD.Petitioner

Through: Mr. Ajit Warriar & Mr. Prateek
Dhankhar, Advocates.

versus

SOUTH DELHI MUNICIPAL CORPORATIONRespondent

Through: Ms. Beenashaw Soni, Standing
Counsel for MCD with Ms. Mansi
Jain, Ms. Ann Joseph & Mr.
Govind, Advocates for SDMC.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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02.12.2024

1. The petitioner assails a notice dated 01.02.2017 by which the respondent-Municipal Corporation of Delhi ["MCD"] has demanded a sum of ₹15,87,72,312/- from the petitioner under Section 154(1) of the Delhi Municipal Corporation Act, 1957 ["the Act"], and a distress warrant dated 09.03.2017 passed by MCD pursuant to the demand notice.
2. By an order dated 19.04.2017, the Court noted that MCD had raised the aforesaid demand by legal notice dated 02.11.2016 and stated that in default, appropriate civil proceedings will be raised for recovery of the amount. The Court came to a *prima facie* conclusion that Sections 154 and 156 of the Act are not available for enforcing contractual



disputes/dues and therefore stayed the impugned notice and distress warrant. The said interim order subsists even today.

3. In the meanwhile, it has come to light that MCD has, in fact, filed a suit for recovery against the petitioner and other parties in respect of the same dues, being CS(OS) 110/2017 [*South Delhi Municipal Corporation vs. Delhi Gurgaon Super Connectivity Limited and Ors.*], which remains pending before this Court.

4. In view of the fact that MCD is already seeking to recover the very same amount by way of civil proceedings, Ms. Beenashaw Soni, learned Standing Counsel for MCD, submits on instructions, that the impugned recovery notice and the distress warrant will not be enforced until disposal of the suit. Further action may be taken by MCD in terms of the orders in the suit.

5. As no further orders are sought in this petition, it is disposed of in the aforesaid terms.

6. It is made clear that this Court has not entered into the merits of the controversy between the parties and all rights and contentions before the suit court are left open.

PRATEEK JALAN, J

DECEMBER 2, 2024

'pv/JM' /