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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **W.P.(C) 10333/2015, CM APPL. 25760/2015, CM APPL. 20419/2016, CM APPL. 26316/2016 & CM APPL. 38340/2019**

**CONFEDERATION OF NCR RESIDENTS WELFARE ASSOCIATIONS (REGD.) & ORS** ..... Petitioners

Through: Mr. Amit Khemka, Advocate with  
Ms. Tavi Agarwal, Advocate

versus

**GOVERNMENT OF NCT OF DELHI & ORS** ..... Respondents

Through: Mr. Santosh Kumar Tripathi, SC for  
GNCTD with

Mr. Anurag Ahluwalia, CGSC for  
Respondent No.2.

Mr. Raunak Dhilon, Advocate with  
Ms. Madavi Khanna and Mr. Nihaad  
Dewan, Advocates for respondent  
No.6.

Mr. Rachil Mittal, Advocate

Date of Decision: 1<sup>st</sup> February, 2024

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**CORAM:**

**HON'BLE THE ACTING CHIEF JUSTICE**

**HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA**

### **J U D G M E N T**

#### **MANMOHAN, ACJ: (ORAL)**

1. Present Public Interest Litigation ('PIL') was filed on 31<sup>st</sup> October, 2015, seeking quashing of the Memorandum of Understanding ('MoU') dated 07<sup>th</sup> April, 1992, Concession Agreement dated 12<sup>th</sup> November, 1997, Support Agreement dated 14<sup>th</sup> January, 1998, and all other consequential



permission granted to Respondent No. 6 for construction and operation of the Delhi Noida Bridge Project known as DND flyover.

2. It is a matter of record that in a separate PIL bearing no. 60214/2012 filed before the High Court of Judicature at Allahabad, on comprehensively similar issues, the said High Court by its judgment dated 26<sup>th</sup> October, 2016, has issued directions, inter-alia, restraining Respondent No. 6 from recovering any user fees or toll from the commuters using the DND flyover. The said judgment of the High Court of Judicature at Allahabad has been impugned and is pending consideration before the Supreme Court in SLP (Civil) No. 33403/2016.

3. Further, Respondent No. 6 has averred in CM APPL. No. 38340/2019 that an investigation by the Serious Fraud Investigation Office ('SFIO') has already been ordered into the affairs of Respondent Nos. 5 and 6 in the year 2018. It is also stated in the said application that the National Company Law Tribunal, Mumbai ('NCLT'), has already admitted a petition under Sections 241 and 242 of the Companies Act, 2013, against Respondent No. 5 at the instance of Union of India and reconstituted the Board of Directors of Respondent No. 5. Further, there are proceedings pending before the National Company Law Appellate Tribunal ('NCLAT') pertaining to Respondent No. 6.

4. At this stage, learned counsel for the Petitioners states that there was a nexus between various officers of NCT of Delhi, Government of India and that of the State of Uttar Pradesh with some of the private foreign entities for their mutual benefit at the cost of public exchequer under the garb of public private partnership. He states that criminal offences have been committed and the matter requires investigation.



5. This Court is of the view that if the Petitioners is of the opinion that criminal offences have been committed, it is open to it to file proceedings in accordance with law. It is however clarified that this Court has not examined the merits of the said allegations made by the Petitioners and proceedings, if initiated, shall be decided in accordance with law.

6. In view of the aforesaid, this Court is of the opinion that no further directions in furtherance of the reliefs sought in this PIL are merited especially, in view of the fact that the Supreme Court and various legal forums including special Tribunals are already considering the issues raised in the present petition. Accordingly, the present petition and pending applications stand disposed of.

**ACTING CHIEF JUSTICE**

**MANMEET PRITAM SINGH ARORA, J**

**FEBRUARY 1, 2024/hp/aa**