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

+ W.P.(C) 891/2020

NARENDER SONKAR AND ORS.

.....Petitioners

Through: Mr. Abhishek Garg and Ms. Anu
Kushwaha, Advs.
M: 9205875245
Email: 26chamber@gmail.com

versus

NORTH DELHI MUNICIPAL CORPORATIONRespondent

Through: Mr. Manu Chaturvedi, SC for MCD
(Through VC)

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

16.04.2025

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1. The present petition has been filed for directions to the respondent to establish a modern pig abattoir to avoid the slaughtering of pigs at private accommodation/places. There is a further alternate prayer for prohibiting the respondent/Municipal Corporation of Delhi ("MCD"), from interfering or putting any restriction upon the petitioners to slaughter and sell the pork (pig meat), till the modern pig abattoir is established and operated by the respondent.

2. Learned counsel appearing for the respondent has drawn the attention of this Court to the affidavit filed on behalf of the MCD, wherein, the various efforts made by the MCD for setting up of modern pig abattoir, have been detailed.



3. The relevant portions of the affidavit filed on behalf of the MCD, are extracted as follows:

“xxx xxx xxx

5. That pursuant to the Hon'ble Supreme Court's directions in *Delhi Development Authority v. UP Bihar Naagrik Parishad*, SLP No. 31328-29/2012, to Delhi Development Authority ("DDA") to allot land for setting up of a Modern Pig Abattoir, the DDA allotted to the erstwhile North Delhi Municipal Corporation (hereinafter referred to as the "NDMC") a piece of land admeasuring 40076.2 sq.mts. in Ranikhera, Rohini for establishment of a Modern Pig Abattoir, vide letter no. F.22(22)14/IL/709 dated 22.04.2014.

6. Thereafter, the Department of Veterinary Services of NDMC, presently the Municipal Corporation of Delhi ("hereinafter referred to as the "MCD") invited bids vide NIT No.289/DVS/NDMC/2015 dated 05.05.2015 for engagement of a Consultant to setup the pig Abattoir. A copy of the notice dated 05.05.2015 inviting tenders for appointment of a consultant is attached herewith as Annexure-R1.

7. In response to the invitation, two agencies viz. M/s Food Processing Equipments Pvt. Ltd and M/s K.K. Associates submitted their bids. Since both the above agencies were qualified technically, their financial bids were opened into on the recommendation of the Evaluation Committee. However, it was observed that M/s K.K. Associates, the L-1 bidder had submitted a *conditional* Financial bid, quoting its own terms & conditions regarding payment, which was at variance with the Request for Proposal ("RFP") forming the basis of the tender. Consequently, concerned bids were cancelled on 18.01.2016. A copy of the communication dated 18.01.2016 approving the cancellation of the bid proposal invited by NIT No. 289/DVS/NDMC/2015 dated 05.05.2015 is attached herewith as Annexure-R2.



8. Thereafter, a fresh RFP along with an agreement for engagement of a project consultant to carry out the consultancy services for preparation of required reports and tender document and to monitor the execution work of the Modern Pig Abattoir at Ranikhera, Rohini, Delhi was prepared and approved by the authorities of the erstwhile NDMC. Accordingly, NDMC again invited bids vide NIT No.150/DVS/NDMC/2017 dated 16.06.2017 for appointment of such consultant. The last date of submission of the bids under the said Notice Inviting Tender (hereinafter referred to as the "NIT") was 24.07.2017. Thereafter, bids were opened in the presence of the Evaluation Committee. Two bids were once again received from the same agencies, viz, M/s Food Processing Equipments Pvt. Ltd and M/s K.K. Associates. However, due to the same reason these two bids had to be cancelled once again. A copy of the NIT No.150/DVS/NDMC/2017 dated 16.06.2017 is attached herewith as **Annexure-R3**.

9. On 13.10.2017, NDMC also requested the Delhi Financial Commission, Govt. of National Capital Territory of Delhi for a budget allocation of Rs.330 Crores for the construction of the Modern Pig Abattoir in the capital.

10. Technical proposals of the above two firms were checked as per the requirements of the RFP document and both the firms were found to be technically qualified. Accordingly, the Evaluation Committee, on 16.01.2018, recommended for opening the financial bids of those two firms. Upon examining the financial and operational viability of the project, the Finance Department of erstwhile NDMC advised to take up the matter with government bodies for grant of funds for establishment of modern pig slaughter house. Copy of the communications advising taking up the matter with the government bodies for grant of funds is annexed herewith as **Annexure-R4**.



11. It was ascertained that in order to develop the infrastructure and facilities of the Modern Pig Abattoir, a capex of approximately Rs.300-330 Crore was required. Accordingly, the Additional Commissioner, NDMC wrote to the following government organizations on 19.07.2018 requesting for grant of funds for establishment of the modern pig slaughter house with processing unit at Ranikhera:-

- a. The Secretary, Ministry of Urban Development, Govt. of India – It was requested that funds of Rs.200 crores may be provided as a special grant-in-aid.
- b. The Member Secretary, National Capital Region Planning Board – It was requested that funds of Rs.100 crores may be provided as a special grant-in-aid.
- c. The Secretary, Ministry of Food Processing Industries – It was requested that funds of Rs.30 crores may be provided as a special grant-in-aid.

A copy of the letters dated 19.07.2018 sent to the Ministry of Urban Development, the National Capital Region Planning Board and the Ministry of Food Processing Industries is attached herewith as **Annexure-R5(Colly)**.

12. Thereafter, in November-December, 2018, a Pig Abattoir Committee was also formed by the Commissioner, erstwhile NDMC, under the Chairmanship of Addl. Commissioner (Engg.), to decide and initiate course of action for setting up the modern Pig Abattoir in Ranikhera. In light of the prevailing financial situation, it was decided to invite Expression of Interest ('EOI') from eligible Developer-Operators for setting up a state-of-the-art modern Pig Abattoir on Design, Build, Finance, Operate and Transfer (DBFOT) basis for production of hygienic pork. A copy of the Office Order bearing No. 436/DVS/North DMC/2018 dated 06.11.2018 is attached herewith as **Annexure-R6**.

13. After assessing the financial viability of the project, on 01.11.2019, the Commissioner/erstwhile NDMC requested the Vice Chairman, DDA to personally look into the matter and issue suitable instructions to *charge public utility rates* for the aforesaid plot allotted in Ranikhera *in place of commercial rates*, to reduce property tax/service charge burden, thus enabling the NDMC – which was reeling due to lack of funds – to attract financing through the DBFOT model and have the modern Pig Abattoir constructed in compliance with the directions of the Hon'ble Supreme Court. A copy of the letter dated 01.11.2019 written to the Vice Chairman, DDA is attached herewith as **Annexure-R7**.



14. Thereafter, on 11.11.2019, the notice inviting Expression of Interest ("EOI") from bidders for setting up a state of art modern Pig Abattoir for production of hygienic pork on DBFOF basis was put on the website of erstwhile NDMC. On 21.11.2019, a notice soliciting EOI was also published in newspapers. Since the notice inviting EOI dated 11.11.2019 did not receive any response, on 05.03.2020, the EOI with detailed scope of work was reposted on the MCD website. A copy of the communication directing posting of the notice on MCD website is attached herewith as Annexure-B8.

15. Soon thereafter, the COVID-19 outbreak happened in the country in March, 2020. Owing to the unavoidable constraints of lockdown, the chances of active participation by prospective developers were grim. Therefore, on 31.05.2021, the Commissioner of erstwhile NDMC submitted his request to the Vice Chairman, DDA to change public utility notes for the abattoir plot allotted in Barakhamba, in place of commercial notes in larger public interest. A copy of the letter dated 31.05.2021 is attached herewith as Annexure-B9.

16. In order to ensure compliance with the directions of the Hon'ble Supreme Court, and also, the earlier notices inviting EOI did not get any response, on 01.05.2021, the notice inviting EOI with detailed scope of work was advertised afresh on North MCD's website. Again, the advertised EOI failed to garner any response from prospective parties. Nevertheless, the EOI was re-advertised / reposted on 15.12.2021 and again in March, 2022. However, unfortunately, the EOI also did not receive any response from prospective bidders.

17. The answering Respondent is now planning further course of action in connection with that the pig abattoir is setup in larger public interest.

xxx xxx xxx"

4. A perusal of the aforesaid affidavit, filed on behalf of the MCD, shows that the MCD has been making efforts time and again for establishment of a modern pig abattoir. However, the said course of action does not seem to materialize in something concrete, in the near future. Thus, directions are issued to the respondent-MCD to ensure that a modern pig



abattoir is set up in larger public interest, at the earliest. For this purpose, the MCD shall also coordinate with other stakeholders, viz. Delhi Development Authority (“DDA”), and the Delhi Government.

5. Upon pointed query by this Court, it is informed that sale of pig meat is not banned in Delhi. In this regard, this Court takes note of the order dated 14th February, 1992, passed by the Division Bench of this Court, in *Civil Writ No. 250/1992*, wherein, it has been directed as follows:

“xxx xxx xxx

In the meanwhile, the Petitioners would continue to use their private slaughter houses for slaughtering pigs but the same cannot be regularized by the Municipal Corporation of Delhi after seeing sanitary conditions so that the neighbourers are not affected. If the sanitary conditions are not fulfilled by the Petitioners, it will be open to the Municipal Corporation to challan them or proceed against them in accordance with law.

xxx xxx xxx”

(Emphasis Supplied)

6. Considering the submissions made before this Court, and considering the fact that the establishment of a modern pig abattoir would take a long time, in order to protect the interest of the petitioners, it is directed that the petitioners would be allowed to use their private slaughter houses for slaughtering pigs. It is further directed that the petitioners would maintain the said slaughter houses in hygienic conditions. However, in case, the sanitary conditions therein are not found to be viable or proper, the MCD would be at liberty to proceed against the petitioners, in accordance with law.

7. It is clarified that the present order is being passed only on the basis of the previous order passed by the Division Bench of this Court, as aforesaid,



in view of the absence of any proper pig abattoir, having been established in Delhi.

8. With the aforesaid directions, the present writ petition is disposed of.

MINI PUSHKARNA, J

APRIL 16, 2025/kr