



\$~72

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

+ W.P.(C) 7171/2025 & CM APPL. 32330/2025

M/S KALWA

.....Petitioner

Through: Mr. V. K. Mantoo, Mr. Hem Kumar,
Mrs. Nupur Mantoo, Advocates
(M:9717787857)

versus

MUNICIPAL CORPORATION OF DELHI

.....Respondent

Through: Mr. Tushar Sannu, SC-MCD with Mr.
Parvin Kr. Bansal, Advocate
(M:9911991166)

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

23.05.2025

%

1. The present writ petition has been filed praying for quashing the Forfeiture cum Cancellation and Debarment Letter dated 28th November, 2024, issued by the respondent/Municipal Corporation of Delhi ("MCD"), with further prayer for directions to the respondent to refund the Earnest Money Deposit ("EMD") amount of ₹ 1,08,000/- paid by the petitioner.

2. Learned counsel for the petitioner submits that the petitioner was declared as the highest bidder having fulfilled all the technical and financial qualifications in relation to a parking site, i.e., *near Monastery, Civil Lines, Delhi*. Further, the petitioner was issued an Offer Letter dated 08th August, 2024, for the parking site in question. However, subsequently, respondent issued a Show Cause Notice dated 22nd August, 2024, directing the



petitioner to complete all formalities mentioned in the offer letter.

3. It is submitted that the petitioner came to know that there existed some hindrance and obstructions for commissioning and running of the parking site in question, which had been allotted and offered to the petitioner.

4. Thus, it is submitted that since the petitioner came to know that the land earmarked for the said parking belonged to the Public Works Department (“PWD”) and Delhi Development Authority (“DDA”), and not to the Municipal Corporation of Delhi (“MCD”), therefore, MCD lacked legal authority to allot or auction the said land, without proper transfer or authorization. Therefore, the petitioner declined to take over the site in question, on account of the aforesaid facts.

5. Since the impugned action has been taken by the respondent/MCD, the present petition has been filed.

6. Learned counsel for the petitioner also draws the attention of this Court to the order dated 08th October, 2024, passed in *W.P.(C) 14223/2024*, titled as *Shree Hanuman Ashram Society Delhi Versus Municipal Corporation of Delhi and Ors.*, wherein, the same Offer Letter dated 08th August, 2024, issued to the petitioner therein for the site in question, was challenged.

7. Issue notice. Notice is accepted by learned counsel appearing for respondent/MCD.

8. Learned counsel for MCD submits that the Show Cause Notice was given to the petitioner, however, the petitioner did not file any reply, thereto.

9. He submits that thereafter, the MCD cancelled the contract.

10. Having heard learned counsels for the parties and considering the



submissions made before this Court, it is noted that *vide* order dated 08th October, 2024 passed in W.P.(C) 14223/2024, it is clearly recorded that the MCD shall withdraw the tender.

11. The order dated 08th October, 2024, reads as under:

*“CM APPL. 59580/2024(Exemption)
Exemption allowed, subject to all just exceptions.
The application stands disposed of.*

W.P.(C) 14223/2024 & CM APPL. 59581/2024

1. The petitioner assails an offer letter dated 08.08.2024, by which a site near Monastery Market, Civil Lines, Delhi-110054 has been offered to respondent No. 3 for operation of a parking site.

2. Without entering into any controversy with regard to the locus of the petitioner or the merit of the petition, Mr. Manu Chaturvedi, learned Standing Counsel for Municipal Corporation of Delhi, who appears on advance notice state that respondent No. 3 has declined to take the site and the tender will be withdrawn.

3. In view of the above, this writ petition has been rendered infructuous and is disposed of, without prejudice to the rights and contentions of the parties, in the event of any future tender for the same purpose.

4. All pending application also stands disposed of.”

(Emphasis Supplied)

12. Perusal of the aforesaid shows that the tender in question, on the basis of which the Offer Letter was issued to the petitioner herein, itself stands withdrawn.

13. Considering the aforesaid fact, the present petition is directed to be treated as a representation by the respondent/MCD. The petitioner shall be granted an opportunity of hearing and an appropriate order with regard to the grievance of the petitioner, shall be passed.

14. Let the needful be done by the respondent/MCD expeditiously, preferably, within a period of four weeks from today.



15. With the aforesaid directions, the present writ petition, along with pending application, stands disposed of.

MAY 23, 2025
au

MINI PUSHKARNA, J