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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 4952/2019 & CRL.M.A. 37130/2019**
TNT INDIA PVT. LTD.Petitioner
Through: Mr. Akshay Kapoor, Advocate.

versus

MUNICIPAL COPORATION OF DELHIRespondent
Through: Ms. Arunima Dwivedi and Mr.
Sainyam Bhardwaj, Advocates.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
31.07.2025

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1. The present petition under Sections 482 and 483 of the Code of Criminal Procedure, 1973,¹ read with Article 227 of the Constitution of India seeks setting aside of the order dated 6th August, 2019 passed by the Metropolitan Magistrate, Dwarka District Courts in CC No. 285/2018/NG titled “*Municipal Corporation of Delhi v. TNT India Pvt. Ltd.*”
2. The impugned order rejected the Petitioner’s application seeking cancellation of the Challan dated 7th March, 2018 issued by the Respondents under Sections 417/430/461 of the Municipal Corporation Act, 1957.² The Trial Court observed that there is no provision under the CrPC that permits ‘discharge’ or ‘dropping of proceedings’ in a summons case. Furthermore, upon finding a *prima facie* case against the Petitioner, the Trial Court directed that the proceedings against them shall continue.
3. Aggrieved, the Petitioner seeks the intervention of this Court, contending that the issuance of the challan is unwarranted, as the Petitioner

¹ “CrPC”



is engaged in the business of courier, cargo, freight, and logistics services, and therefore, is not required to obtain a license under Section 417 of the MCD Act for the transient unloading of goods in the course of transit.

4. Counsel for the Respondent on the other hand, states that as per Section 417(1)(d) of the MCD Act, any person engaged in the storage of articles, specified in Part II of the Eleventh Schedule of the Act, is required to obtain a license from the Commissioner. She further relies on Serial No. 165 of the applicable “*Schedule of Fees for grant/renewal of trade/storage*”, which prescribes a fee of INR 3,000/- for the “*storage of licensable articles in transit in transport godowns and air cargo*”. On this basis, the Respondent contends that the Petitioner was under an obligation to obtain the requisite license for carrying out their trade. Accordingly, the impugned order, rejecting the Petitioner’s application for cancellation of the Challan, suffers from no legal infirmity.

5. The Court has duly considered the rival contentions and perused both the impugned order and the Challan. A plain reading of the Challan indicates that it does not constitute an adjudication on the merits of the case, but merely calls upon the Petitioner to appear before the Trial Court and submit an appropriate response. In the opinion of this Court, it cannot, at this juncture, be held that the issuance of the Challan against the Petitioner is wholly without jurisdiction. The Respondent has rightly drawn attention to the relevant provisions of the MCD Act and the corresponding entries in the Schedule, asserting that the Petitioner is liable to pay the prescribed license fee. While the Petitioner has argued that the cited provisions apply only to the storage of “licensable articles,” which have not been specifically

² “MCD Act”



identified in the present case, in Court's opinion, this would be a disputed question of fact. Such a question can only be determined upon consideration of evidence by the Trial Court. Accordingly, in the absence of any finding to that effect, no interference is warranted by this Court at this stage.

6. In light of the above, the present petition is disposed of with the liberty to the Petitioner to urge all the grounds raised in the present petition before the Trial Court while adjudicating the challan in question.

7. All rights and contentions of the parties are left open.

8. Disposed of along with pending application.

SANJEEV NARULA, J

JULY 31, 2025

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