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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CONT.CAS(C) 997/2019**
NORTH DELHI MUNICIPAL CORPORATION

.....Petitioner

Through: Ms. Puja S. Kalra, Standing Counsel
with Mr. Virendra Singh, Advocate
for MCD.

versus

ANKIT SHARMA

.....Respondent

Through: None.

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

12.03.2025

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1. Petitioner seeks initiation of contempt proceedings against respondent-Mr. Ankit Sharma for wilful disobedience of the specific directions contained in order dated 29.01.2019 passed by Coordinate Bench of this Court in W.P. (C) 975/2019.
2. The abovesaid writ petition had been filed by Mr. Ankit Sharma (respondent herein) who was aggrieved by communication dated 07.01.2019 received from North Delhi Municipal Corporation (NDMC), approving the cancellation of his license for running a parking site situated at Jheel Prasad Nagar/KBZ, New Delhi for non-payment of outstanding monthly license fee.
3. When the abovesaid writ petition was taken up for consideration on 29.01.2019, the counsel for Ankit Sharma had submitted that Ankit Sharma was willing to approach the concerned officer of respondent and was willing to pay the entire balance owed by him towards the monthly license fee along

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with tax collected at source, if any, found to be due.

4. The grievance in the present contempt petition is merely to the abovesaid aspect.

5. It is submitted that despite petitioner volunteering to approach respondent and settle the accounts by paying the entire balance, he never approached MCD and, therefore, there is non-compliance of the abovesaid order.

6. However, when asked as to what is the fate of the abovesaid writ petition, learned counsel for petitioner, divulged that such writ petition had been dismissed on 29.11.2019.

7. Copy of such order has been shown and the observation appearing in the last para reads as under:-

“It is clear that there is default in making payments of the license fee by the petitioner. Unfortunate attempts are being made to seek adjournments. The only plea raised by the petitioner was that the petitioner is ready to pay all dues of the respondent. The facts as above show that the dues in question have not been paid. It is manifest that there is a default in making payments of the dues of the respondents. Even otherwise the contract has expired by efflux of time. The present writ petition is without any merit and the same is dismissed.”

8. It is very much obvious that the writ petition filed by the petitioner was also dismissed and he was found to be in default in making the payment due to the MCD.

9. There is no one to stop MCD to take appropriate action for seeking recovery of its dues which is now stated to be vicinity of around Rs. 60 lacs.

10. Contempt would not lie merely to seek recovery. Moreover, a good gesture was expressed by the counsel for Mr. Ankit Sharma during the pendency of the abovesaid writ petition and merely because he never approached the office of MCD for settling the account would not mean that he



has made himself liable for initiation of contempt proceedings. Such proposal was merely volunteered. There was no direction from the Court.

11. The appropriate recourse for MCD was, thus, to have filed a suit for recovery.

12. Be that as it may, this Court does not find to be fit case, where the Court should exercise its discretionary jurisdiction of initiating contempt. Finding no merit and substance, the contempt petition is dismissed.

13. However, if petitioner files any suit for recovery, it would be at liberty to file appropriate application under Section 14 of Limitation Act seeking exclusion of the time taken by them in pursuing the present proceedings.

MANOJ JAIN, J

MARCH 12, 2025/ss/pb



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