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

+ W.P.(C) 12686/2021 & CM APPLs. 39953-54/2021

SOUTH DELHI MUNICIPAL CORPORATION Petitioner

Through: Mr. Sanjeev Sagar, St. Counsel for
SDMC with Ms. Nazia Parveen, Advs.

versus

GOVERNMENT OF NCT OF DELHI Respondent

Through: Mr. Rahul Mehra, Sr. Adv. with Mr.
Gautam Narayan, ASC, Ms. Asmita Singh, Adv.
for Resp.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

% **23.11.2021**

1. The South Delhi Municipal Corporation has preferred the present writ petition to assail the Cabinet decision dated 03.01.2019 of the respondent GNCTD directing retrospective recovery of grants in aid from the petitioner and other urban local bodies with effect from 01.04.2016 from future grants on the ground that the same is arbitrary, illegal and void. The petitioner also seeks a direction to the respondent GNCTD to refund the grants in aid deducted on account of retrospective application of Delhi Finance Commission i.e. to direct the respondent to make payments in compliance of grants in aid amounts deducted from the years 2019-20 and 2020-21.

2. The petitioner also seeks direction from the respondent to make payment of the grants in aid payable in terms of 5th DFC regularly and more

specifically towards the scheme grants.

3. We have been dealing with the aspect of payments to be made by the GNCTD to the Municipal Corporations in the context of non-payment of salaries by the Corporation to its employees, particularly, the frontline workers of the Municipal Corporations who were fighting the pandemic when it was raging.

4. On 06.10.2021, we had voiced our concern that while municipal employees are clamouring for payment of their dues, the city was suffering on account of lack of efficient functioning of the municipal employees as there was rampant accumulation of garbage and ‘malba’ in the city, open drains and holes, pavements which are in a state of disrepair, and also the recent increase in the of cases of dengue.

5. We had expressed a hope that the Corporations would be performing their municipal functions and duties in the right earnest and in a manner that the ultimate goal of making Delhi a world-class city is achieved at the earliest. It appears to us that our observations have fallen on deaf ears, and since 06.10.2021, when we passed the said order in the batch of petitions including Contempt Case (C) 524/2020, the situation in the city has only worsened. This year we are noticing a big surge in the number of dengue cases, and there have been several fatalities due to the said disease. This can only result on account of the failure of Municipal Corporations in checking mosquito breeding as dengue, like malaria and chikungunya, is a vector-borne disease. We have, therefore, made it clear to Mr. Sagar that we would not exercise our discretionary jurisdiction in favour of the petitioner

corporation, and its employees if the situation on the ground does not improve. Mr. Sagar has assured us that he shall communicate with the Municipal Commissioners of all the three Corporations on an emergent basis, and place before this Court the steps which have been taken to control mosquito breeding.

6. Let an affidavit in this regard be filed within two weeks by the petitioner disclosing what steps have been and will be taken on the ground, and not just on paper. We have earlier also raised the issue of geo-tagging of employees, and marking of biometric attendance. We direct the petitioner to place on record what steps have been taken in this regard. This information should be provided in the affidavit to be filed within two weeks. Mr. Narayan seeks four weeks to file his counter affidavit to the writ petition. Let the same be filed within two weeks.

7. Mr. Mehra states that the issues raised in the present petition are already pending consideration before the learned Single Judge in WP(C) 10404/ 2015. The respondents may raise all such issues in their counter affidavit which all be examined at the time of the hearing of the petition.

8. List on 12.01.2022.

9. Let a meeting of the Chairpersons of all the Corporations, and the NDMC and the Chief Executive of Delhi Cantonment Board be convened within one week from today. The meeting should address this recurring yearly issue of Dengue cases and for its permanent solution. For the sake of convenience, we appoint the Municipal Commissioner, South Delhi Municipal Corporation as the Nodal Officer for calling and conducting the

said meeting.

10. For consideration on the aspect of the spread of dengue, list the matter on 01.12.2021

VIPIN SANGHI, J

JASMEET SINGH, J

NOVEMBER 23, 2021

Sahil Sharma