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

% **Date of Decision: 04<sup>th</sup> July, 2025**

+ W.P.(C) 9024/2025, CM APPL. 38419/2025 & CM APPL.  
38420/2025

**GIRIRAJ ENTERPRISES**

.....Petitioner

Through: Mr. Pankaj Jaiswal, Advocate  
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versus

**MUNICIPAL CORPORATION OF DELHI**

.....Respondent

Through: Mr. Tushar Sannu, Advocate with Mr.  
Shivam Singh, Mr. Shubham Sakhuja,  
Advocates for MCD  
Mob: 9911991166  
Email: [advtusharsannu@gmail.com](mailto:advtusharsannu@gmail.com)

**CORAM:**

**HON'BLE MS. JUSTICE MINI PUSHKARNA**

**MINI PUSHKARNA, J (ORAL):**

1. The present petition has been filed seeking directions for quashing the Show Cause Cum Penalty Notice dated 13<sup>th</sup> May, 2025 and the Show Cause Notice dated 30<sup>th</sup> May, 2025, issued by the respondent to the petitioner.
2. There is further prayer for direction to reconsider the terms of the contract for the parking site at *Red Fort Metro Station Gate No. 1, 2, 3 and 4*, keeping in view the restrictions imposed on the petitioner's use of the site since 21<sup>st</sup> February, 2025.
3. This Court notes that *Annexure P-9* is a Show Cause Cum Penalty



Notice dated 13<sup>th</sup> May, 2025 issued by the Remunerative Project (“RP”) Cell of the Municipal Corporation of Delhi (“MCD”), whereby, the petitioner has been directed to deposit certain amount as penalty, on account of violation of covering parking space and allowing parking of the vehicles, beyond the permitted area.

4. *Annexure P-12* is a Show Cause Notice dated 30<sup>th</sup> May, 2025, wherein, the RP Cell, MCD has issued a Show Cause Notice for payment of the outstanding monthly license fee.

5. This Court notes that the present petition has been filed against the Show Cause Notices and as such the present petition cannot be maintainable. It is settled law that Show Cause Notices cannot be challenged by way of a writ petition as the party receiving the Show Cause Notice ought to first raise all objections pertaining to the same before the authority issuing the said Show Cause Notice. Thus, the Supreme Court, in the case of *Commissioner of Central Excise, Haldia Versus Krishna Wax Private Limited*, (2020) 12 SCC 572, has held as under:

“xxx xxx xxx

*14. It has been laid down by this Court that the excise law is a complete code in itself and it would normally not be appropriate for a writ court to entertain a petition under Article 226 of the Constitution and **that the person concerned must first raise all the objections before the authority who had issued a show-cause notice and the redressal in terms of the existing provisions of the law could be taken resort to if an adverse order was passed against such person.** For example in *Union of India v. Guwahati Carbon Ltd.* [*Union of India v. Guwahati Carbon Ltd.*, (2012) 11 SCC 651], it was concluded; “The Excise Law is a complete code in order to seek redress in excise matters and hence may not be appropriate for the writ court to entertain a petition under Article 226 of the Constitution”, while **in Malladi Drugs & Pharma Ltd. v. Union of India** [*Malladi Drugs & Pharma Ltd. v. Union of India*, (2020) 12 SCC 808], it was observed:*



**“... The High Court, has, by the impugned judgment held that the appellant should first raise all the objections before the Authority who have issued the show-cause notice and in case any adverse order is passed against the appellant, then liberty has been granted to approach the High Court ...**

**... in our view, the High Court was absolutely right in dismissing the writ petition against a mere show-cause notice.”**

**15. It is thus well settled that writ petition should normally not be entertained against mere issuance of show-cause notice. In the present case no show-cause notice was even issued when the High Court had initially entertained the petition and directed the Department to prima facie consider whether there was material to proceed with the matter.**

xxx xxx xxx”

(Emphasis Supplied)

6. However, this Court notes the submission made by learned counsel appearing for the petitioner that the petitioner is unable to operate the parking site and is also not clear about the area which has been allotted to the petitioner for parking.

7. *Per contra*, learned counsel for respondent no. 1-MCD appearing on advance notice, submits on instructions that copy of the site plan clearly showing the area where the parking site is to be operated, has already been given to the petitioner at the time of award of the contract. However, he submits that a fresh copy of the site plan which shows the area of parking awarded to the petitioner shall be supplied to the petitioner again.

8. Considering the submissions made by learned counsel appearing for the petitioner, copy of the site plan clearly marking the area of the parking that has been allotted to the petitioner, along with measurement of the area, shall be handed over to the petitioner, within a period of two working days.

9. This Court notes the submission on behalf of the respondent that as on today, the petitioner is liable to pay dues of approximately Rs. 39,00,000/-



(Rupees Thirty Nine Lakh) towards monthly license fees.

10. Responding to the same, learned counsel appearing for the petitioner submits that since the petitioner has not been able to operate the complete area allotted to the petitioner for parking, the petitioner is running in losses and has not been able to pay the requisite amount to the respondent.

11. Be that as it may, since as on date, only Show Cause Notices have been issued by the respondent no. 1-MCD, the petitioner is directed to file a reply to the said Show Cause Notices.

12. Upon the petitioner filing the reply to the said Show Cause Notices, the respondent no. 1-MCD shall consider the reply of the petitioner and also grant an opportunity of personal hearing.

13. In case, the respondent no. 1-MCD arrives at a conclusion that the petitioner is unable to operate the full area of the parking space allotted to it, the respondent no. 1-MCD shall consider giving proportionate remission to the petitioner, in terms of its policy.

14. Needless to state, during the pendency of the proceedings before the MCD pertaining to the Show Cause Notices issued by the MCD, no coercive action shall be taken against the petitioner.

15. At this stage, this Court notes the submissions of learned counsel appearing for the respondent that the petitioner was handed over the parking site in January, 2025, however, till date the petitioner has not paid any amount.

16. Responding to the same, learned counsel appearing for the petitioner submits that a sum of Rs. 4,00,000/- (Rupees Four Lakh) has been deposited recently.



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17. In view of the submissions made before this Court, it is directed that a sum of Rs. 10,00,000/- (Rupees Ten Lakh) shall be deposited by the petitioner on account, with the respondent no. 1-MCD within a period of one week from today.

18. With the aforesaid directions, the present petition, along with the pending applications, is accordingly disposed of.

**MINI PUSHKARNA, J**

**JULY 4, 2025**

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