



2025:DHC:9322-DB



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

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Date of Decision : 21.10.2025

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W.P.(C) 16226/2025 & CM APPL. 66387-88/2025

METRRO WASTE HANDLING PVT. LTD.

.....Petitioner

Through: Mr. Abhijat, Sr. Advocate with Mr. Sarad K. Sunny and Mr. Deepak Yadav, Advocates.

versus

MUNICIPAL CORPORATION OF DELHI

.....Respondent

Through: Mr Tushar Sannu, SC and Mr Vishal Ji, Advocates with Mr R K Singh, and Mr Shree Ram, Executive Engineer and Assistant Engineer respectively in person.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

V. KAMESWAR RAO, J. (ORAL)

1. This petition has been filed by the petitioner with the following prayers:-

“ a. Pass an order setting aside the NIT dated 17.10.2025 issued by the Respondent (Annexure A-1) and grant an ex parte stay of the same during the pendency of the present writ petition;

b. Pass an order directing the Respondent to dispose of the representations dated 19.08.2025 and 13.09.2025 of



the Petitioner being Annexure A-3 and Annexure A-4 within such time as this Hon'ble Court may grant and to comply with direction dated 6.10.2025 being Annexure P-8;

c. Issue a writ of mandamus or any other appropriate writ, order or direction to process pending bills of Concessionaire including of price adjustment at par and basis similar placed approvals accorded to other Concessionaires;”

2. In substance, the petitioner has challenged the Notice Inviting Tender (NIT) dated 17.10.2025, issued by the respondent, which is primarily for lifting and transportation of mixed waste (under foul condition) from the area of Shahdara South Zone by deploying minimum required manpower and LMV small with auto tripping facility.

3. Though various grounds have been raised in the petition, but the primary ground of challenge as contended by Mr Abhijat, learned Senior Counsel appearing for the petitioner is, that the impugned NIT is issued in contradiction of the clause no.10.7 of the Concession Agreement which stipulates that the petitioner has to collect all kinds of waste, except the construction and demolition waste. It is his submission that the petitioner has the right to transport the waste from Shahdara (South Zone) to the landfill site at Ghazipur, Delhi. The respondent *vide* the impugned NIT has sought to grant the same rights. In other words, the issuance of impugned NIT amounts to a breach of the binding Concession Agreement in favour of the petitioner.

4. On the other hand, Mr Sannu, learned counsel appearing for the respondent has filed a brief preliminary submission note along with some



photographs in Court today, which are taken on the record, to contend, the impugned NIT relates to a separate category of waste – “*non-conforming mixed waste*” – which does not fall under the petitioner’s obligation either in the Concession Agreement or under the Solid Waste Management Rules, 2016. In support of his submission, he invites our attention to the preliminary submission at paragraph no.29 which highlights the difference between the existing Concession Agreement in favour of the petitioner and the impugned NIT, in the following manner:-

Particulars	Existing Concession Agreement (2019 Concession Agreement dated 11.11.2019 (Annexure P-1))	Impugned NIT (2025)
<i>Quoted Scope of Work</i>	“Project scope is Collection and Transportation of Municipal Solid Waste and Street Sweeping Waste and any other solid waste specified by East DMC under Shahdara South Zone from time to time (Conforming Waste) Two major identifiable components in the 'Scope of Work': (1) Primary collection and transportation of Municipal Solid Waste (MSW) and Street Sweeping Waste in segregated manner from households etc (2) Implementing IEC for better sanitation and waste management.”	“Collection, lifting and transportation of Mixed Waste (under foul condition) from different locations in the area under Shahdara (South) Zone by deploying minimum required manpower and machineries i.e. 26 Nos of LMV small with auto tipping facility (Tata Magic or equivalent), 02 Nos of Back Hoe Loaders wheel mounted of having a loading bucket of 1 cum capacity and excavating capacity of 0.24 cum including driver, fuel, lubricant etc., 04 Nos of Tipper Truck with auto lifting facility including driver, helper, T&P, fuel, lubricant etc. Equivalent to TATA 2518 HYVA, 26 Nos of Beldars (01 beldar with each Auto Tipper) and weighment of the mixed waste and disposal at SLF Ghazipur, complete as per requirement in the area for a period of 150 days.”
<i>Nature of Waste</i>	Segregated municipal solid waste (biodegradable/non-biodegradable) and street sweeping waste — conforming waste under	Unsegregated, decomposed, foul mixed waste — including sludge, drain silt,



	<i>SWM Rules.</i>	<i>burnt debris, and festival residue — non-conforming waste.</i>
<i>Method of Collection</i>	<i>Scheduled, route-based, preventive door-to-door collection from households, shops, and institutions using Auto-Tippers and compactors</i>	<i>Complaint-driven, site-specific emergency lifting from scattered public areas using back-hoe loaders, heavy tippers, and large beldar teams.</i>
<i>Equipment Used</i>	<i>Light vehicles (Auto-Tippers, rickshaws, compactors) for segregated waste transfer to MTS/compactors.</i>	<i>Heavy mechanical equipment — back-hoe loaders, manual crews — for excavation and bulk transportation</i>
<i>Duration and Objective</i>	<i>Long-term concession of 9 years; continuous, preventive waste management service under SWM framework.</i>	<i>Short-term operation of 150 days; rapid-response sanitation drive to remove foul accumulations and avert public-health hazards.</i>
<i>Statutory Character</i>	<i>Primarily Implements duties under SWM Rules, 2016 Rule -3(18) defines “door-to-door collection” of segregated household waste.</i>	<i>Executed under Sections 42–44 of the DMC Act, 1957 — urgent removal of filth and abatement of nuisances affecting public health.</i>

5. We have heard Mr Abhijat and Mr Sannu at length. During the course of submissions, an issue has arisen as to whether the Concession Agreement in favour of the petitioner shall also encompass the work to be done under the impugned NIT.

6. Mr Sannu, learned counsel for the respondent, on instructions from Mr R K Singh, Executive Engineer, would submit that insofar as the scope of work of the petitioner is concerned, the same is confined to the “conforming waste” which as per the Concession Agreement means: (a) Municipal Solid Waste (MSW); (b) Street Sweeping Waste; and (c) Drain Silt. He also states that no other type of solid waste has been agreed to between the parties, to be conforming waste. At this stage, Mr Abhijat states that this submission of Mr Sannu be taken on record. We take the



same on record. We make it clear that the subject matter of the Concession Agreement with the petitioner is confined to MSW; Street Sweeping Waste; and Drain silt.

7. We may also like to note that the submission made by Mr Abhijat that the conforming waste which is picked/collected by the petitioner is taken to the Secondary Collection Point (SCP) from where it is taken to the landfill site at Ghazipur. It is his submission that the impugned NIT also contemplates that the successful party is required to dump the waste, which is collected, at the SCP. In other words, the submission is that as the exclusive right is with the petitioner to dump the waste at SCP, it is apparent that the waste which is to be picked/collected by the successful party shall be the waste which has been collected by the petitioner and dumped by the petitioner at the SCP.

8. This submission is contested by Mr Sannu by stating that the SCP, in which the successful party shall dump the material, is the exclusive SCP where the waste collected by the petitioner, is not dumped. He has placed a chart to state that the successful party, in terms of the impugned NIT, shall dump the waste in the following six centres only and from there, the material shall be taken to the landfill site at Ghazipur or the Waste to Energy Plant:-

<i>S. N o.</i>	<i>Mixed garbage collected from Ward No.</i>	<i>Location of Secondary Collection Point and Ward No.</i>	<i>Lat</i>	<i>Long</i>	<i>Distance per trip from SLF Ghazipur</i>
1	190-194	Hodi Trilokpuri Main Road, W.No.192	28.610878	77.31644	12 KM per trip



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2	195-199	Hodi near Kalyanpuri FCTS Ward No.195	28.616260	77.310613	11 KM per trip
3	200-203	Dhalao Near Ramesh Park FCTS Pushta Road, Ward N.201	28.635418	77.270311	25 KM per trip
4	204-207	Kikarwala Dhalao, Ward No.207	28.658459	77.29310	15 KM per trip
5	208-211	Dhalao Krishna Nagar Metro Station, Ward No.211	28.659526	77.28862	16KM per trip
6	212-215	Dhalao at Seelampur Nala, Ward No.213	28.672636	77.26980	28 KM per trip

9. In other words, except the above six collection sites, the waste shall not be dumped by the successful party at any other SCP. If that be so, we take on record this submission of Mr Sannu as well.

10. In view of the above, Mr Abhijat, on instructions states that this petition be treated as disposed of as it is the case of the respondent that the issuance of the impugned NIT and award of tender to the successful party in no way affects the rights of the petitioner under the Concession Agreement.

11. Accordingly, the petition and pending application(s) are disposed of.

V. KAMESWAR RAO, J

TUSHAR RAO GEDELA, J

OCTOBER 21, 2025

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