

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

+ W.P.(C) 5237/2007

BASU DEV GUPTA

..... Petitioner

Through Mr. R.K. Saini, Advocate.

versus

D.D.A.

..... Respondent

Through Mr. M.K. Singh, Advocate.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

ORDER

% 07.02.2008

1. The petitioner had registered himself under the NPRS Scheme, 1979 for allotment of a MIG flat. On 27th November, 1987, the petitioner was allotted a MIG flat at Dilshad Garden with block dates 23rd November, 1987 to 27th November, 1987. The letter stipulated that late payment with interest could be made upto 25th February, 1988 but on failure there would be automatic cancellation. The petitioner was not interested in the said allotment and wrote letters to the respondent-DDA in this regard.

2. By letter dated 5th February, 1991 the petitioner was informed by the DDA that the flat allotted to him had been cancelled due to non-payment and cancellation charges would be intimated in due course. By another letter dated 1st January, 1998 the respondent-DDA called upon the petitioner to visit the office along with ration card, identity card and original documents. It appears that the petitioner visited the office of DDA pursuant to the said letter. After examining the case of the petitioner, DDA by letter dated 9th March, 1998 informed the petitioner that his request for allotment of another flat cannot be acceded to and he should apply for refund of the registration amount by surrendering the original documents. A perusal of the letter makes it clear that DDA had cancelled registration of the petitioner and had informed the petitioner by letter dated 9th March, 1998. The only amount deposited by the petitioner on that date was the registration amount.

3. The present writ petition has been filed challenging this letter dated 9th March, 1998 in the year 2007. There is delay of nearly nine years in filing the present writ petition. No explanation for the said delay is forthcoming. The petitioner admittedly received letter dated 9th March, 1998 and thereafter remained quiet. It is apparent that the petitioner had accepted the said order. He cannot now after such a long time of nine years be permitted and allowed to claim allotment specially when the NPRS Scheme, 1979 itself has come to

an end and is closed. I may also note the stand of the respondent-DDA in the counter affidavit that in case of non-acceptance of allotment, petitioner as per the scheme itself was required to deposit surrender charges @ 20% of the registration amount and in case allotment is cancelled for violation of Clause 5, the petitioner was required to pay 20% of the registration amount plus usual interest. It is stated by the DDA that the petitioner had not deposited the surrender charges in terms of the contractual obligation. However, I am not inclined to go into this question as the petitioner has approached this Court after a gap of nine years and the petition is liable to be dismissed on the ground of delay and laches.

The writ petition is accordingly dismissed.

SANJIV KHANNA, J.

FEBRUARY 07, 2008

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