

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 15314/2006**

VIKAS GUPTA Petitioner
Through Mr. J.C. Mahendru, Advocate.

versus

GOVT. OF NCT OF DELHI & ORS. Respondent
Through Ms. Zubeda Begum, Advocate for the
respondent No.1.
Mr. Rajiv Bansal, Advocate for the
DDA.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

ORDER

% **21.10.2009**

As per the counter affidavit filed by the respondents, Jagan Nath Rangwale, 80, Gali Siraswali, Khari Baoli, Delhi was found to be eligible for allotment of an alternative accommodation under the re-location scheme. The name, Jagan Nath Rangwale appears at Sr. No.341 in the list of 883 Chemical Traders prepared by the Government of NCT of Delhi.

2. The petitioner, Mr. Vikas Gupta is the sole proprietor of Jagan Nath Rangwale and his name is also recorded at Sr. No.341.

3. The petitioner has stated that he was also carrying on business in the name of Jagan Nath Ranwala at 300, Tilak Bazar, Khari Baoli, Delhi. The said name does not figure in the list of 883 Chemical Traders, who were found to be eligible for shifting. As per the affidavit of Mr. R.K. Sharma, SDM,

Kotwali, the said name appears at Sr. 115 of the deleted list and the reason for deletion mentioned against the said name is “double”. This as per the petitioner is on account of the fact that the petitioner’s name was already approved and shown at Sr. No.341 under the name Jagan Nath Rangwale.

4. It is, therefore, apparent that the petitioner was carrying on business both at 300, Tilak Bazar, Khari Baoli, Delhi and 80, Gali Siraswali, Khari Baoli, Delhi under the names Jagan Nath Rangwale and Jagan Nath Rangwala. The petitioner has filed on record sales tax registration certificate which records that the petitioner was operating from both properties namely, 300, Tilak Bazar, Khari Baoli, Delhi and 80, Gali Siraswali, Khari Baoli, Delhi. The said registration under the Delhi Sales Tax Act was issued way back on 9th July, 1959. It is not the case of the respondents that some other person claims to be the proprietor of the Jagan Nath Rangwale mentioned at Srl. No.341 in the list of 883 Chemical Traders prepared by the Government of NCT of Delhi.

5. Counsel for the respondent GNCTD submits that the petitioner has not deposited Rs. 20,000/- towards costs as directed by the High Court and, therefore, is not entitled for allotment. This contention is no correct. The petitioner had deposited Rs. 20,000/- but the said deposit has been treated as deposit made on behalf of Jagan Nath Rangwala, 300, Tilak Bazar, Khari

Baoli, Delhi. The petitioner was operating from both properties. Claim for allotment against the property at 300, Tilak Bazar, Khari Baoli, Delhi, has been rejected on the ground "double" i.e. it will amount to double allotment. The cost of Rs.20,000/- deposited by the petitioner against the premises at 300, Tilak Bazar, Khari Baoli, Delhi, should be treated as deposit made by the petitioner against the property at 80, Gali Siraswali, Khari Baoli, Delhi. The petitioner cannot be denied benefit of the said deposit of Rs. 20,000/- towards costs. Accordingly, the mandamus is issued to the respondents to make allotment in favour of the petitioner in terms of the scheme. The petitioner will be entitled to only one allotment. The allotment will be made within six weeks from the date copy of this order is received. In the facts and circumstances, there will be no order as to cost.

SANJIV KHANNA, J.

OCTOBER 21, 2009

NA/P

