

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

+ **W.P.(C) 5504/2008**

RAVI GUPTA PARTNER S.B.CABLES Petitioner
Through Mr. Sanjeev Joshi, Advocate.

versus

GOVT. OF N.C.T. OF DELHI & ORS. Respondent
Through Ms. Renuka Arora, Advocate.

CORAM:
HON'BLE MR. JUSTICE SANJIV KHANNA

ORDER
% **19.11.2009**

1. The petitioner had applied for allotment of industrial plot under relocation scheme on 27th December, 1996.
2. By letter dated 23rd March, 2000, the petitioner was informed that their application for allotment of an industrial plot under relocation scheme stands rejected as the petitioner was operating and carrying on business activities from a local commercial area. In this regard, it may be noted that after directions of the Supreme Court for closure of industrial units functioning in non-confirming commercial areas, the original scheme was partly modified in view of large number of applications, which were received by the respondent, DSIDC for allotment of alternative industrial plots. As a result of the said modification, it was decided to make allotments under the relocation scheme to industrial units operating and functioning from non-confirming areas as they were adversely affected and were in urgent need of alternative industrial plots. The said

action of the respondent, DSIDC has been upheld by a Division Bench of this Court in **DSIDC Vs. Naresh Gupta, 2006 (128) DLT 777.**

3. After the rejection letter dated 23rd March, 2000, the petitioner himself wrote a letter, which was received by the respondent, DSIDC on 6th June, 2000, asking for refund of the earnest money deposited by them. It is a case of the respondent, DSIDC that the earnest money was refunded in the year 2000.

4. The petitioner with the writ petition has filed letter dated 1st January, 2001, written to the Commissioner of Industries (Relocation Scheme) stating that the policy of the Government was revised and units located in notified commercial areas were also eligible for allotment of plots. Thereafter, the petitioner received letter dated 12th July, 2002 requesting the petitioner to appear before the Appellate Committee along with the original documents. As per the respondent, DSIDC, the petitioner could not produce any documents to establish the fact that they were carrying on commercial activity prior to 19th April, 1996 from the area in question. However, the petitioner has placed on record several documents to establish that they were carrying manufacturing activity prior to 19th April, 1996, in form of sales tax assessment orders, sales tax registration certificate, registration certificate issued by the MCD and electricity bills. The counter affidavit filed by the respondent states that there was change in address and there was no evidence to show that the petitioner was carrying on their manufacturing activity at 9716, Gaushala Marg, Kishan Ganj, Delhi. Apart from the fact the petitioner was not confronted and put to notice with the said contention, counsel for the petitioner has drawn my attention to the documents filed and has submitted that the petitioner had produced documents in

respect of 9716, Double Phatak Road, Delhi, which is the same property and is also known as Goushala Marg, Kishan Ganj, Delhi. He has also drawn my attention to the registration certificate under the Central Sales Tax Act and the certificate issued by the MCD in which the said address is mentioned.

5. In these circumstances, I feel that the petitioner's claim should be re-examined by the respondents as per their policy. It is noticed that Appellate Committee has not rejected the request of the petitioner on the ground that they were located in a notified commercial area. It is also noticed that the Appellate Committee has not rejected the appeal of the petitioner on the ground that earnest money deposited by the petitioner was refunded. Of course, in case as per the policy the petitioner is not entitled to allotment of alternative industrial plot, no allotment can be made. All aspect will be examined by the Committee/Commissioner in terms of their policy.

6. The petitioner accordingly will appear before the Commissioner (Industries), Government of NCT of Delhi on 16th December, 2009 at 2 P.M., when a further date of hearing will be fixed and the matter will be listed before the competent authority. The writ petition is accordingly disposed of. No costs.

SANJIV KHANNA, J.

NOVEMBER 19, 2009

NA