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

+ W.P.(C) 367/2008

GALTEX INDUSTRIES Petitioner
Through Mr. Shiv Charan Garg, Mr. Imran Khan
and Ms. Nandini Aggarwal, Advocates.

versus

STATE & ORS. Respondent
Through Mr. Vivek Kr. Tandon with Mr. Manish
Chouhan Advocates with Mr. Pradeep Gupta, DCI
for Respondent Industries.

CORAM:
HON'BLE MR. JUSTICE SANJIV KHANNA

ORDER
% **23.09.2009**

Cost of Rs.5,000/- has been paid to the counsel for the petitioner.

2. Heard. With the consent of the counsel for the parties, the matter is taken up for final disposal.

3. The petitioner M/s Galtex Industries had applied for allotment of alternative Industrial Plot under re-allocation scheme by depositing Rs.1,20,000/- on 24.12.1996.

4. On 6th April, 2000 the petitioner was informed that the application was rejected on the ground that the petitioner was carrying on category H (a) industrial activity under the Master Plan Delhi 2001 and therefore was

not eligible for allotment of alternative plot.

5. The petitioner filed an application seeking review. The petitioner submitted that he was not carrying on Category H (a) activity, but was engaged in manufacture of footwear which was/is a green activity, as per the list published in the Gazette of India dated 21st December, 1999. Learned Counsel for the petitioner in this regard relies upon item numbers 51 and 55 of the said list. It is the case of the petitioner that he made representations in 2004 and 2007 but did not get favourable response from the respondents.

6. The petitioner has also obtained copy of the file notings under the Right to Information Act, 2005. File noting reveal that after the initial decision, the case of the petitioner has not been re-examined afresh in the light of the contentions raised by the petitioner. The representations have been rejected on the ground that the petitioner belongs to category H (a) as held earlier. The respondents have not been examined whether the petitioner was in green category as per the list prepared by Delhi Pollution Control Committee.

7. The respondents have failed to file response/reply to the present petition.

8. During the course of hearing, it is stated by the counsel for the

respondents that they shall re-examine the claim of the petitioner to decide whether the petitioner falls in green category or was engaged in category H (a) activities under the Master Plan, 2001. The petitioner will accordingly appear before the Appellate Committee on 20th October, 2009 at 2.30 P.M. along with relevant papers. The petitioner will produce original documents before the appellate committee in support of his stand.

The Writ Petition is accordingly disposed of.

Dasti to the Counsel for the respondent.

SANJIV KHANNA,J

SEPTEMBER 23, 2009
HL