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

+ CM No.18424/2012 (for directions) & W.P.(C) 14094/2009

ROHINI EDUCATIONAL SOCIETY Petitioner
Through: Mr. R.K. Saini & Mr. Vikram Saini,
Advs.

versus

DELHI DEVELOPMENT AUTHORITY & ORS Respondents
Through: Counsel for the respondents
(appearance not given)

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **09.11.2012**

1. The petitioner has filed this application stating that now a Notification dated 17.7.2012 has been issued by the DDA in exercise of powers conferred under Section 57 of the Delhi Development Act, 1957 and as per this Notification no additional FAR charges are to be recovered from Educational Society/Health Care and Social Welfare Societies etc. having Income-Tax exemption. It is also pointed out that following this Notification, a Division Bench of this Court has passed order dated 20.07.2012 in a batch of Writ Petitions with the main Writ Petition being WP(C) 9572/2009 titled *South Delhi Educational Society Vs. DDA and Anr. inter alia* holding as under:-

"In view of the fact that now no FAR charges are to be recovered from Educational Societies/Health care and Social Welfare Societies having income tax exemption, any action which may have been made conditional on the payment of the additional FAR charges would now not have the said condition. In other words, the non-payment of the FAR charges will not come in the way of the petitioners to proceed with their release of sanctioned building plans, occupancy certificates, extension of time and NOCs etc. if the other conditions prescribed in law are fulfilled."

2. Learned Counsel for the respondent could not dispute that the facts of this case are identical to the aforesaid cases and the Notification dated 17.07.2012 shall be applicable in the case of the petitioner as well.

3. In these circumstances, this writ petition also is disposed of with the same directions as given in order dated 20.07.2012, as extracted above. These directions be complied within two months from today. The order is being made only with respect to the petitioner before us.

No costs.


CHIEF JUSTICE

RAJIV SAHAI ENDLAW, J

NOVEMBER 09, 2012

'gsr'

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