

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

% Date of Decision: 26.11.2013

+ W.P.(C) 1209/2012

BRIJ MOHAN BANSAL Petitioner

Through: Mr R.K. Jain, Adv

versus

GOVT. OF NCT OF DELHI AND ORS Respondents

Through: Ms Anjana Gosain and Mr Pradeep,
Advs for respondents 1 and 2

Ms Anusuya Salwan and Mr Vikas Sood Adv
for DSIIDC

CORAM:

HON'BLE MR. JUSTICE V.K.JAIN

JUDGMENT

V.K.JAIN, J. (ORAL)

Respondents 1 and 2 are unnecessary parties. Their names are accordingly deleted from the array of respondents.

Late Shri Sadhu Ram Bansal, father of the petitioner, who was running a PVC Goods Manufacturing Unit at 2926/217, Vishram Nagar, Tri Nagar, Delhi-110035, under the name and style of Mohan Enterprises, applied to the respondents for allotment of an alternative industrial plot under their relocation scheme, whereunder the persons running an industrial unit in a non-conforming areas were to be allotted

industrial plots in conforming areas and, thereafter, they were required to shut down the unit which they were running in the non-conforming area. The aforesaid application was submitted on 31.12.1996 giving the address of the applicant as 2926/217, Vishram Nagar, Tri Nagar, Delhi-110035. Shri Sadhu Ram Bansal passed away on 05.01.2002. The case of the petitioner is that they received no information from the respondents with respect to the allotment of the alternative plot. Vide letter dated 27.12.2004, Smt. Shakuntala Devi, widow of late Shri Sadhu Ram Bansal, referring to the above-referred application, sought to know whether any industrial plot had been sanctioned to her against Registration No. N-3367. It would be pertinent to note here that aforesaid was the registration number allotted to late Shri Sadhu Ram Bansal when he applied for allotment of an industrial plot. The death certificate of late Shri Sadhu Ram Bansal was also enclosed to the aforesaid letter dated 27.12.2004. There was no response from the respondents to the aforesaid letter of Smt. Shakuntala Devi, who has since expired. Vide letter dated 23.10.2008, the petitioner, referring to the aforesaid registration, sought to have further information with respect to allotment of an alternative plot.

2. Vide letter dated 18.11.2008, responding to an application filed by the petitioner on 24.10.2008 under Right to Information Act, he was informed that a plot measuring 150 square metres was allotted against application No. 53474 of M/s Mohan Enterprises and the said allotment had been cancelled on account of non-payment of 50% of the land premium. On receipt of the aforesaid communication under RTI Act, the petitioner sent a letter dated 25.11.2008 to the respondent stating therein that when he got the pass prepared for visiting their office, his address was recorded as 2926/217, Vishnu Garden and no communication was sent to him at his correct address, i.e., 2926/217, Vishram Nagar, Tri Nagar, Delhi-110035. Vide letter dated 10.02.2009, the petitioner also submitted copies of the booking receipt and certain other documents to the respondents. He also obtained copies of the applications submitted by his father and other documents under Right to Information Act. Vide letter dated 06.05.2010, the petitioner submitted proof of address given by late Shri Sadhu Ram Bansal to Income-tax Department. The petitioner later also submitted an Indemnity Bond in favour of DSIIDC and relinquishment deeds, executed by the other legal heirs of his father in his favour in respect of the aforesaid allotment. Since no allotment

has, thereafter, been made to the petitioner, he is before this Court seeking the following relief:-

- i. “Issue a writ of mandamus or any other appropriate writ, order or direction, directing the respondents, thereby directing the respondents to allot the Industrial plot to the Petitioner against the balance payment and to revoke the cancellation of the same.
- ii. Cost of the petition may also be awarded in favour of the petitioner and against the respondents.”

3. In its counter-affidavit, respondent No. 3-DSIIDC has not disputed that late Shri Sadhu Ram Bansal had applied on 31.12.1996 for allotment of an industrial plot under its relocation scheme. It is also not disputed that the address given in the application was 2926/217, Vishram Nagar, Tri Nagar, Delhi-110035. This is also not in dispute that the demand letter dated 25.04.2000 was sent at the address 2926/217, Vishnu Garden, New Delhi. Vishnu Garden is a colony altogether different from Vishram Nagar, Tri Nagar, Delhi. Having been sent at a wrong address, the demand cum allotment letter was not received by the allottee. The learned counsel appearing for the respondents submits that since the petitioner failed to make payment in terms of the allotment letter, the allotment came to be cancelled vide communication dated 10.07.2002. A perusal of the said communication

would show that it was sent at the address 2926/217, Vishnu Garden, New Delhi. Thus, not only the demand letter, but the cancellation letter also was sent by the respondents at a wrong address. In the absence of receipt of demand-cum-allotment letter, the applicant had no opportunity to make payment of 50% of the land premium in terms of demand letter dated 25.04.2000. Since the applicant did not receive even the cancellation letter dated 10.07.2002, he had no opportunity even to make a representation against the said cancellation.

4. The learned counsel for the respondents submits that a number of public notices were issued by the respondents in the newspapers calling upon the allottees to make payment of the balance land premium, but despite that, neither father of the petitioner nor the petitioner made payment of the land premium in terms of the demand, raised by DSIIDC. In my view, public notices, which DSIIDC issued from time to time, cannot be a substitute for the individual allotment cum demand letters, which it was required to send to each allottee. In the absence of any information of the allotment to him, the father of the petitioner or even the petitioner had no reason to comply with the public notices, issued from time to time since the said notices were meant for those who had been allotted an alternative plot and neither the father of the

petitioner nor the petitioner had any information of the allotment, which the respondents had made vide letter dated 25.04.2000.

5. For the reasons stated hereinabove, the respondents are required to allot an alternative industrial plot measuring 150 square metres to the petitioner, subject to his satisfying them that the other legal heirs of late Shri Sadhu Ram Bansal have relinquished all their right, title or interest in the booking in question in his favour. The learned counsel for the petitioner states that relinquishment deeds from other legal heirs of late Shri Sadhu Ram Bansal have already been submitted to DSIIDC. Subject to verification of those documents, the respondent-DSIIDC shall issue a demand-cum-allotment letter to the petitioner, within two weeks from today in respect of an industrial plot measuring 150 square metres. While issuing demand-cum-allotment letter, the respondent will charge the same price which was stipulated in the demand-cum-allotment letter dated 25.04.2000, but will be entitled to charge simple interest at the rate of 18% per annum. The petitioner shall make payment in terms of the aforesaid demand letter, within four weeks of receiving the said letter. Possession of the plot shall be given to the petitioner, within four weeks of his making payment and completing other formalities in this

regard.

The writ petition stands disposed of. No order as to costs.

V.K. JAIN, J

NOVEMBER 26, 2013
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