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

+ **W.P.(C) 2813/2013**

NARESH MOHAN GOEL Petitioner
Through: Mr. Rikky Gupta, Adv.

versus

GNCT OF DELHI AND ORS Respondents
Through: Mr. D. Rajeshwar Rao with Mr.
Charanjeet Singh and Ms. Jyoti Taneja, Adv. for
R-1 and 2
Ms. Renuka Arora, Adv. for R-3/DSIIDC
Mr. Shubham Puri, Adv. for Mr. Gaurang Kanth,
Adv. for R-4

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Date of Decision: 9th February, 2016.

CORAM:
HON'BLE MR. JUSTICE MANMOHAN

J U D G M E N T

MANMOHAN, J: (Oral)

1. The present writ petition has been filed challenging the rejection order dated 17th December, 2012 whereby the petitioner's application for allotment of alternative plot was rejected.
2. Since, the impugned order is rather short, the same is reproduced hereinbelow:-

“Sub: Rejection of Application no.26982 Under Re-location Scheme.

Sir,

The Appeal Committee/ILMAC examined your case for allotment of alternative industrial plot under re-location scheme

in its meeting held on 05.11.2012 in your presence and deliberated that you failed to submit any document issued by MCD or any other government agency as prescribed under the re-location scheme to establish that your unit M/S Autotech Services at 16-A, Bagh Chandiwalan, Nizamuddin, New Delhi was functioning prior to 19.04.1996. Though you have submitted before the Civil Judge-01 (North) that your unit was duly sanctioned by MCD but did not file any such document in this office. The MCL NO.3182 submitted by you in this case is in the name of M/S NGP Auto Tech Services (P) Ltd; whereas the applicant unit is M/S Autotech Services.

In view of these facts the appeal committee/ILMAC rejected this case.”

3. Learned counsel for the petitioner states that the petitioner was running and operating a service station under the name and style of M/s. Autotech Services from his premises situated at 16A, Bagh Chandiwala, Nizamuddin East, New Delhi since 1993. In support of his contention, he has relied upon various documents including a certificate issued by the State Bank of India dated 28th September, 2000, Ad hoc Registration of Commercial Unit/Trade under Ad hoc Registration Scheme-1995 dated 30th March, 1995 as well as extension of the said Ad hoc registration dated 21st April, 1995. The relevant portion of the said certificates are reproduced hereinbelow:-

A. Certificate issued by the State Bank of India dated 28th September, 2000.

“TO WHOM THIS MAY CONCERN

This is to certify that M/s. Auto Tech Services, prop. Shri Naresh Goel, have been maintaining a current account at this branch since 1994.

The signature of Shri Naresh Goel is attested below.”

B. Ad hoc Registration of Commercial Unit/Trade under Ad hoc Registration Scheme-1995 dated 30th March, 1995.

“With reference to your application No.....dt..... on the above subject, I am to inform that your application has been accepted by the Licensing Committee vide Reso. No.1278 dt. 30/3/95. You are, therefore, requested to deposit the necessary Ad-hoc Registration Fee amounting to Rs.550/- along with Renewal Charges in the Municipal treasury in the zone on any working day from 9.00 A.M. to 2.00 P.M. latest by.....”

C. Extension of the said Ad hoc registration dated 21st April, 1995.

“Certified that Sh.Naresh Mohan Goel, S/o. Shri Uggar Sain Goel, N.G.P. Auto Tech Service (P) Ltd. is carrying on his business of Service Centre-Work Shop from premises bearing no.16-A, Bagh Chandiwalla, Nizamuddin East and for continuation of his business activities he has been granted registration. This Certificate will not entitle or give any preferential right to the bearer for any Municipal Licence nor shall entitle him to claim any alternative place.”

4. Learned counsel for the petitioner has also referred to certain purchase invoices in the name of the petitioner which pertain to the period prior to 1996. He has also heavily relied on the appeal filed by the BSES RPL before the Senior Civil Judge, South, Patiala House Courts, Delhi being appeal No. MCA 52/2009 wherein BSES RPL has stated as under:-

“2. That a brief matrix of the facts leading to filing of the present appeal is as under:-

2.1 That the respondent/plaintiff was the registered consumer in respect of non-domestic connection bearing K.No.NZ-001-1320710 installed at 16-A, Bagh Chandiwalla, Nizamuddin, New Delhi and was running a service station in the name and style of M/s Autoteck Service Station.

2.3 That the original sanctioned load of the aforesaid K.No.was 1 KW, which was enhanced to 7 KW under the voluntary disclosure scheme of the erstwhile DVB in the year 1995.”

5. In view of the aforesaid documents, learned counsel for the petitioner contends that as the petitioner was a functional unit prior to the cut-off date stipulated by the Supreme Court in its judgment in ***M.C. Mehta v. Union of India***, it is entitled to an alternative plot.

6. On the other hand, learned counsel for respondent No. 3/DSI IDC states that none of the documents furnished by the petitioner to her clients bear the petitioner's name.

7. However, this Court is of the opinion that in view of the aforesaid documents, the petitioner's request for an alternative plot should be re-examined by the respondent-DSI IDC.

8. Consequently, the impugned rejection order dated 17th December, 2012 is set aside and the petitioner is given liberty to make a fresh representation to the respondent-DSI IDC within a period of two weeks. The representation shall contain all the documents placed on record by the petitioner before this Court.

9. In the event, the representation is filed within the stipulated period, the General Manager (Relocation) DSI IDC is directed to decide the same by way of a reasoned order within a period of four weeks after giving an opportunity of hearing to the petitioner.

10. With the aforesaid observations and directions, the present writ petition is disposed of.

MANMOHAN, J

FEBRUARY 09, 2016
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