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

*Decided on: 6<sup>th</sup> November, 2017*

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RSA 244/2013

M/S BOMBAY DYEING MFG. INDUSTRIES ..... Appellant

Through: Mr. Sanjay S. Chabbra, Advs.

versus

DELHI DEVELOPMENT AUTHORITY ..... Respondent

Through: Mr. Dhanesh Relan, Ms.  
Akshita Mandha & Ms. Kajri  
Gupta, Advs.

**CORAM:**

**HON'BLE MR. JUSTICE R.K.GAUBA**

**JUDGMENT (ORAL)**

1. This court in the proceedings recorded on 02.08.2017 noted the back drop as under:-

*“Respondent DDA had cancelled the allotment of the subject plot in favour of the appellant herein. This became subject matter of the civil suit No.761/06/1988 which was decreed by the Court of Civil Judge by judgment dated 11.02.2008. The said judgment was challenged by DDA in RCA No.30/2009 which was allowed by judgment dated 25.07.2013 resulting in the suit being dismissed. This second appeal was instituted challenging the judgment of*

*the first appellate Court. The proceedings recorded on the file of this second appeal, particularly the orders dated 28.01.2016 and 21.04.2016, as indeed affidavit of Mr. S.K. Jain, Director (Industrial) sworn on 19.12.2014, indicate that DDA was inclined to restore the allotment upon payment of certain charges including misuse charges, sub-letting charges and restoration charges.*

*The appellant submits through counsel that all such charges as were demanded have since been paid. This was confirmed by DDA in the Court on 21.04.2016. Thereafter, the DDA was expected, as per the submission, to issue formal communication restoring the allotment which would bring an end to this litigation. There has been no communication from DDA after the payment of such charges. The matter cannot be allowed to remain hanging fire indefinitely.*

*The Director (Industrial) of DDA shall remain present in the Court on the next date to inform status of the matter.*

*Be listed on 8<sup>th</sup> September, 2017.*

*Interim orders to continue”.*

2. Pursuant to the above-mentioned directions, which were reiterated by subsequent order dated 08.09.2017, the learned counsel for the DDA has submitted copy of the letter no. F.6A(130) 68/LSB (1)/DDA/4280 dated 3<sup>rd</sup> November, 2017 of Deputy Director Land Sales Branch (Industrial) of Delhi Development Authority which is taken on record. As per the communication addressed to the appellant, the Lieutenant Governor of Delhi, being the competent authority, vide his order dated 01.11.2017 has “*restored the allotment of the plot no. A-73, Wazirpur Industrial Area, Delhi subject to*

*payment of all the dues alongwith interest after vetting by finance department, DDA.”*

3. The communication also adds that the ‘*upto date dues, if any, would be intimated to the appellant after getting the same worked out from the finance department*’. The learned counsel for the appellants submits that though the above communication satisfies the claim in the civil suit which was instituted before the court of civil judge and therefore, no further relief is sought, but for the record, it is clarified by them that there are no dues left to be paid on this account, as all the charges which were raised on account of misuse or subletting have already been duly paid to DDA and acknowledgement to this effect made by the latter.

4. In the above facts and circumstances, the relief claimed in the civil suit having been satisfied, nothing survives in the appeal. It accordingly stands disposed of.

**NOVEMBER 6, 2017**  
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**R.K.GAUBA, J.**