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

\+ **<u>W.P.(C) 7362/2017</u>**

MANISH SURI ..... Petitioner

Through Mr Piyush Sanghi, Advocate.

versus

DSIIDC LTD AND ANR ..... Respondents

Through Mr Saurabh Chadda, Advocate with Mr Ishan Kashyap, Advocate for R2.

CORAM:
HON'BLE MR. JUSTICE VIBHU BAKHRU

<u>O R D E R</u>

% **25.08.2017**

1. The petitioner has filed the present petition, *inter alia*, seeking that a direction be issued to the respondents to reconsider the petitioner for allotment of dwelling unit at Bawana and to pay the interest on the amount deposited by the petitioner, from 12.10.2007 to 06.10.2015.

2. The respondent no.1, Delhi State Industrial & Infrastructure Development Corporation Ltd. (hereafter 'DSIIDC') had floated a scheme captioned as "2nd Rajiv Gandhi Cost Effective Workers Housing Scheme" (hereafter 'the Scheme'). The said scheme was framed in the background of DSIIDC developing Industrial Complexes at Bawana, Narela and Bhorgarh for relocation of industrial units operating in non-conforming areas of Delhi.

3. With a view to provide industrial workers, residence at affordable price, DSIIDC had earmarked an area of 23.55 acres for residential use in Sector-3 of the Bawana Industrial Complex, where 3164 dwelling units had been constructed and allocated to industrial workers engaged in the

industrial units in the Bawana Industrial Complex. Encouraged by the response to the first scheme for providing dwelling units, DSIIDC floated the Scheme for constructing and providing additional dwelling units.

4. In terms of the Scheme, all workers desirous of obtaining a dwelling unit at the aforesaid Industrial Complexes could apply, who fulfilled the eligibility criteria specified therein. The eligibility condition as set out in the Brochure for the Scheme is set out below:-

> "**4. Eligibility**
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> a) Applicant must be a citizen of India.
> b) Resident of NCT of Delhi and should have attained the age 18 years as on 1.1.2007.
> c) Applicant should be an Industrial Worker in any Industrial Complex of Delhi.
> d) Applicant should be Group 'C' & 'D', employee including temporary/on daily wages/work charge in any of the PSUs under GNCTD.
> e) Windows of bonafide industrial workers in relocation Industrial Complexes.
> f) Persons who have already availed benefit of any subsidised housing under any Government Scheme (including slum relocation) shall not be eligible for allotment of flat under this scheme."

5. The petitioner had also applied for a dwelling unit measuring 31.60 sq. metres. In his application, the petitioner disclosed that he was a Machineman-cum-Supervisor and was working with M/s Lahore Pen Industry. The petitioner was declared successful and paid the amount of ₹2.38 lacs demanded of him. The petitioner was informed that his name would be included in the successful list for draw of lots. However, subsequently, as per field verification report, it was discovered that the petitioner was the son of the owner of M/s Lahore Pen Industry and as per

the decision of the Competent Authority, the Employment Certificate issued by one of the blood relatives was not acceptable as a proof of being an industrial worker. Since the petitioner was excluded from the draw of lots, the amount deposited by the petitioner was refunded to him, *albeit* without interest.

6. The petitioner applied under the Right to Information Act, 2005 for information as to the status of his application as well as to the reasons why his name was not included in the draw of lots and the aforesaid reasons were communicated to the petitioner by a letter dated 04.08.2014.

7. The learned counsel appearing for the petitioner does not dispute that the petitioner's father was the owner of the industrial unit - "Lahore Pen Industry" and in the application, the petitioner was shown as an employee of the said industrial unit. He, however, submitted that at the relevant time, the petitioner was unemployed and, therefore, had given a certificate indicating himself to be a worker in his father's industrial unit. The learned counsel further submitted that the petitioner was also employed with another industrial unit, namely, M/s Goodstuff Sellers Incorporation. He also states that subsequently, the petitioner was also employed with yet another industrial unit - M/s Sonu Enterprises and he also furnished a certificate to that effect.

8. This Court is not inclined to entertain the present petition for several reasons. First of all, this Court finds no infirmity with the policy of DSIIDC not to accept the certificates of employment issued by blood relatives. Admittedly, the employment certificate submitted by the petitioner at the material time was issued by his father.

9. Secondly, this Court also finds it difficult to believe that the petitioner

falls into the category of a workman, considering that it is an admitted case that his father was the owner of the industrial unit in question.

10. Thirdly, the petitioner's contention that he had submitted the certificate of employment issued by his father showing himself to be a workman of M/s Lahore Pen Industry as at the material time he was unemployed, clearly indicates that the petitioner's application was based on complete falsehood and, therefore, was liable to be rejected on that ground alone. The contention that the petitioner had submitted certificates from other employers, subsequently, would not be relevant. Even if is accepted (although it is difficult to do so) that the petitioner was subsequently employed as a workman with another industrial unit, the same would be of no assistance to the petitioner since the Scheme was only open to *bona fide* workers and the petitioner in his application did not give details of such other employment as a workman.

11. Fourthly, the Scheme was floated by DSIIDC to provide residence to *bona fide* workmen and the said residential units could not be cornered by the industry owners and their family members.

12. This Court is also not persuaded to entertain the petitioner's plea for interest. As noticed above, the petitioner was ineligible to apply for the dwelling units in question as the petitioner's application was based on false statements. Clearly, in such circumstances, DSIIDC cannot be called upon to pay interest on the amount deposited by the petitioner.

13. The petition is, accordingly, dismissed.

VIBHU BAKHRU, J

AUGUST 25, 2017/pkv