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IN THE HIGH COURT OF DELHI AT NEW DELHI

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LPA 622/2017, CM APPL.34190-34192/2017

GALTEX INDUSTRIES

..... Appellant

Through: Mr. Jai Ram Garg, Advocate.

versus

GOVT OF NCT OF DELHI & ANR

..... Respondents

Through: Mr. Siddharth Dutta, Adv. for R-1.

Ms. Anusuya Salwan with Ms. Nikita Salwan,
Advocates for Resp-2/DSIIDC.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

18.09.2017

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The appeal is directed against the order of the Single Judge declining to issue a writ or direction to the respondents to allot an alternative plot to the appellant/petitioner.

The appellant/petitioner had claimed that pursuant to the judgment of the Supreme Court in 1996 i.e. *M.C. Mehta vs Union of India & Ors.* 1996 SCC (4) 750 requiring closure and shifting of hazardous industries functioning in a non-conforming area, he too is entitled to the alternative plot. His claim before the learned Single Judge was premised on the fact that his industrial unit functioned from a non-confirming area and had been sealed in 2001. He further urged that though allotment of an alternative plot was recommended in 2010, without reference or intimation to him the concerned authorities rejected the application on the premise that the area

where he functioned from was scheduled for re-development. The appellant reiterates his submissions and points out that the area from where its business and industry (i.e. canvas shoe manufacturing) operated was a non-confirming one. It is contended that without any ground, the recommendations made in 2010 by the concerned official was rejected.

The Single Judge took note of the entirety of circumstances and was unpersuaded because the petitioner's unit had been apparently desealed on 13.03.2001. The appellant never stated after such desealing that his business had not functioned. Moreover, the Single Judge based upon the relevant policy concluded that the appellant/petitioner in fact functioned from an industrial area which was also scheduled for re-development. In these circumstances, he found the appellant dis-entitled to the relief of an alternative plot.

We have carefully considered the circumstances and the materials on record. The findings of Single Judge are based upon the records and the materials placed which are no different from what is placed before this Court. The contentions that the appellant/petitioner continues to aver are the same as before the Single judge, which in the circumstances, cannot be accepted. Thus, he is disentitled to any relief. The Court sees no ground to interfere; the appeal is accordingly dismissed, along with pending applications.

S. RAVINDRA BHAT, J

SUNIL GAUR, J

SEPTEMBER 18, 2017/vikas/