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

+ LPA 669/2017

MANISH SURI

..... Appellant

Through: Mr. Piyush Sanghi, Advocate

Versus

DELHI STATE INDUSTRIAL & INFRASTRUCTURE & ANR.

..... Respondents

Through: Nemo.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

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16.10.2017

The appellant is aggrieved by the impugned judgment of the learned Single Judge, who rejected his prayer in the writ petition. The appellant had contended that he was entitled to allotment of a dwelling unit under the “*2nd Rajiv Gandhi Cost Effective Workers Housing Scheme*” formulated by the Delhi State Industrial and Infrastructure Development Corporation (DSIIDC). The eligibility criteria spelt out required the appellant to be resident of NCT of Delhi; not below the age of 18 years as on 1st January, 2007; to be industrial workman in any industrial complex in Delhi. The applicant’s request for allotment was rejected. The Single Judge in impugned judgment noticed that the applicant’s father was the proprietor of M/S Lahore Pen Industry, his alleged employer. It was further concluded that the appellant could not be treated as a *bona fide* employee, hence not considered as eligible. On

these grounds, the Single Judge rejected the writ petition.

Learned counsel for appellant urged that appellant had been assigned a registration number for his application and that there was no independent verification of his claims but rather the rejection was based on a facial appreciation of the record. It was also submitted that the appellant had in fact relied upon the ESI Registration Certificate issued from Gurgaon.

This Court is of the opinion that there is no merit in these submissions. The record discloses that the appellant was aged 23 years when he had applied for an industrial plot and his father had apparently paid the requisite amount on cash down basis to the tune of Rs.2.65 lacs. So far as the ground of ESI Registration is concerned, the Court noticed that the criteria is that the industrial workman should be engaged or employed in an industrial complex in Delhi. Therefore, the appellant being registered at the relevant time by some statutory body / Corporation *ipso facto*, is not determinative. Besides, substantial findings that the appellant was not a *bona fide* workman, in our opinion is reasonable and justified in these circumstances.

The appeal is without merit and is therefore dismissed.

S. RAVINDRA BHAT, J

SUNIL GAUR, J

OCTOBER 16, 2017

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