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

+ LPA 241/2018 & CM APPL. 17427-17430/2018

INDRAPRASTHA GAS LTD

..... Appellant

Through: Mr. Saurav Agrawal, Adv. with
Ms. Aakriti Dawar and
Mr. Hitabhilash Mohanty, Advocates.

versus

DELHI URBAN SHELTER IMPROVEMENT BOARD

(DUSIB) & ORS

..... Respondents

Through: Mr. Parvinder Chauhan, Standing
Counsel and Mr. Nitin Jain, Adv. with
Deputy Director, DUSIB, Mr. Bansh
Raj, Pr. Director, Law, Ms. Anju
Nigam, LO and Ms. Manju, LA for
DUSIB/R-1.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

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10.05.2018

Issue notice.

Mr. Parvinder Chauhan, Advocate accepts notice on behalf of
respondent No.1/Delhi Urban Shelter Improvement Board
(hereinafter referred to as 'DUSIB').

We have heard the learned counsel for the parties and are of the
opinion that the appellant's plea with respect to the delay in handing
over of the plot needs to be addressed. This Court had granted a

timeline within which the concerned occupants were to be handed over alternative accommodation after due repairs. That was by an order of the Division Bench dated 26.07.2016 in review proceedings in LPA No.121/2016. The relevant part of the said order reads as follows:-

“The respondents especially the Delhi Urban Shelter Improvement Board (DUSIB) indicated in its various status reports - dated 21.03.2016 and 25.05.2016 that as a consequence of this Court's order in the review proceedings, tenders were invited to repair the alternative premises offered to the review petitioner. The latest affidavit indicates that six out of the alternative premises which the original writ petitioners were entitled to, have since been repaired and can now be allotted. These are 89C/B-12, Inderlok; 61-D, Swami Dayanand Colony; 8/T, Sarai Phoos, Phase-1/11; 15-C-E, Tilak Vihar; 74-C-E, Tilak Vihar and 8-C-E, Tilak Vihar.

Since the statements have been affirmed by way of an affidavit of Mr. Shyam Singh, Executive Engineer (C-10) and of Mr. K.B. Sharma, Executive Engineer (C-7) of DUSIB, this Court is of the opinion that appropriate action towards formal allotments of these premises in the form of a letter/offer in terms of the policy of the DUSIB should be taken forthwith. The letter shall indicate the time within which the offer is to be accepted and the review petitioners have to be shifted into the alternative accommodation. In case the review petitioners do not shift -in terms of offer/letter, it is open to the respondents to take action towards obtaining possession. As far as the other two premises are concerned, it is stated that the process of completing the repairs would be over by August, 2016. The review petitioners and other allottees

shall approach the DUSIB and collect the allotment letters within two weeks. Further the allottees should accept the offer/letter within the stipulated time or face eviction.

Mr. Chakrabarty, learned counsel appearing for the review petitioners submits that the premises have still not undergone proper repairs and relies upon certain photographs. It is not clear as to when these photographs were taken and which premises they relate to.

It is open to the DUSIB, in addition, to send a copy of the allotment letter to counsel for the review petitioners.

With the completion of this or at the appropriate stage, the work of setting up of CNG station shall commence.”

The appellant's grievance is that till date it has not been handed over the plot by the DUSIB. This Court is of the opinion that these aspects need to be considered in the light of DUSIB's present stand in the writ proceedings initiated by the appellant for directions to hand over the plot. What also has to be kept in mind is that the Supreme Court had directed, as early as on 05.01.2016, setting up of 300 CNG stations in locales in Delhi. Pursuant to this order the appellant had identified the plot in question.

The parties are directed to be present before the learned Single Judge on 23rd May, 2018 for appropriate directions and further proceedings.

Order *Dasti* to the non-represented respondents i.e. the Land & Development Office and Deputy Commissioner of Police. The order shall be communicated by the Registrar of this Court directly to the

said two respondents. In addition, *Dasti* orders to the said parties to be served by the appellant.

The appeal stands disposed of in above terms along with the pending applications.

S. RAVINDRA BHAT, J

A. K. CHAWLA, J

MAY 10, 2018

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