

\$~14

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

+ W.P.(C) 3369/2017

SMT. RITU CHOPRA

..... Petitioner

Through: Mr Mansoor Ansari and Mr Pawan
Rana, Advocates.

versus

THE HONBLE LT GOVERNOR AND ORS Respondents

Through: Mr Gautam Narayan, ASC for
GNCTD with Mr Mahamaya
Chatterjee, Advocate for R-1 & 2.
Ms Nikita Salwan and Ms Shreya
Sharma, Advocates for R-3/DSIIDC.
Mr Arpit Shukla, Advocate for R-4.
Ms Madhurima Ghosh and Ms Ruhi
Chopra, Advocates for DDA.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **21.12.2018**

CM APPL. 54308/2018

1. This is an application filed for early hearing.
2. The learned counsel appearing for the petitioner states that the matter is covered by the decisions in several other writ petitions and request that the present petition be also disposed of in the aforesaid terms. The learned counsel for the respondents also concur with the aforesaid submission.
3. The application is allowed and the petition is taken up for hearing.

W.P.(C) 3369/2017

4. The petitioner in the above petition claims to have acquired rights in

an industrial shed/flat allotted by the Delhi State Industrial and Infrastructure Development Corporation (hereafter 'DSIIDC'). The petitioner is desirous that the industrial property (Shed No. 129, New Okhla Industrial Complex, Phase-1, New Delhi-110020) be converted from leasehold to freehold. The petitioner also claim that he has deposited the conversion charges with the DSIIDC for the said purpose.

5. She has filed the present petition, *essentially*, being aggrieved by inaction on the part of the DSIIDC in converting the aforesaid properties from leasehold to freehold.

6. One of the principal reasons for inaction in conversion of the properties from leasehold to freehold is the impasse between DSIIDC and the Delhi Development Authority (hereafter 'the DDA'). It is the case of the DDA that although the structure may belong to the DSIIDC but the land in question belongs to the DDA and, therefore, the DDA is entitled to the conversion charges and not the DSIIDC. It is seen that a similar issue is also involved in the case of ***Shikha Gugnani & Anr. v. Govt. of NCT & Ors: WP(C) No.9772/2015.***

7. By the order dated 08.05.2018 passed in *Shikha Gugnani's* case, the Co-ordinate Bench of this Court had found a workable solution. The relevant extract of the said order is as under:

“6. Having heard learned counsel for the parties, I am of the view that while the adjudication of the issue as to who should retain the charges which have deposited by the petitioner for the purposes of conversion can be decided at a later date, the petitioners in the meanwhile should not be put to trouble by delaying the conversion of the subject property from leasehold to freehold.

7. This is, especially so, as I am informed by Mr. Dhawan that the conversion charges were deposited as far back as in July, 2013. As indicated above, Ms. Arora does not dispute this fact. She says that there could be some additional charges that may have to be paid by the petitioners.

8. Having regard to the aforesaid, DSIIDC is directed to convert the subject property from leasehold to freehold.

9. A conveyance deed will be executed in favour of the petitioners. In case, additional charges have to be paid, the petitioners will deposit the same upon DSIIDC giving them due intimation. Furthermore, if any other formalities are required to be fulfilled, the petitioners will also comply with the same.

10. The needful will be done by DSIIDC within eight weeks from today.

11. Insofar as the conversion charges received from the petitioners are concerned, they will be deposited in a no-lien interest bearing Account by DSIIDC. As to which entity will finally enjoy the benefit of the same, shall be determined upon final adjudication of the writ petition.”

8. This Court is of the view that it would be apposite to follow the said procedure in these matters as well. Accordingly, DSIIDC is directed to convert the said properties from leasehold to freehold provided the petitioner deposit the necessary conversion charges with the DSIIDC and otherwise comply with all other requirements. The issue whether the DDA or DSIIDC is entitled to appropriate the conversion charges, would not hold up the application filed by the petitioner for conversion of the properties allotted to them, from leasehold to freehold. All charges received by the DSIIDC for converting the properties in question shall be deposited in a no-lien interest bearing account.

9. It is clarified that nothing stated herein should be construed as an

expression of opinion that the petitioner is otherwise entitled to conversion of the respective properties purchased by it.

10. The issue as to whether the DDA or DSIIDC would be entitled to the same shall abide by the decision of this Court in ***Shikha Gugnani*** (*supra*), which this Court is informed is pending before the Co-ordinate Bench of this Court.

11. It is further directed that in the event the petitioner is not eligible or has not complied with the requirement under the conversion policy, DSIIDC shall communicate the same to the petitioner within eight weeks from today.

12. The present petition is disposed of in the above terms. All the pending applications, if any, are also disposed of.

13. Order *dasti* under the signatures of the Court Master.

VIBHU BAKHRU, J

DECEMBER 21, 2018
RK