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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 6899/2014**

BABITA

..... Petitioner

Through: Mr Sudhir Nagar and Mr Mohit
Singh, Advocates.

Versus

GOVT. OF NCT OF DELHI

..... Respondent

Through: Mr Yeeshu Jain, Standing Counsel
with Ms Jyoti Tyagi, Advocate.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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29.11.2018

1. The petitioner has filed the present petition, *inter alia*, impugning a communication dated 09.07.2013 and 27.01.2014 whereby the petitioner's application for allotment of an alternate plot has been rejected.
2. The petitioner was the owner of immovable property located in the Village Shahpur Garhi, Narela. The said immovable property was acquired under the provisions of Land Acquisition Act, 1894 and an award (Award No. 19/97-98) for compensation was made on 19.12.1997. In terms of the said award, the petitioner received a sum of ₹6,60,305/- (+ ₹8,192/- TDS) as compensation for the acquired land.
3. It is the petitioner's case that she is entitled for an alternate plot in

terms of the scheme for allotment of alternate plots floated by the Government of NCT of Delhi. Accordingly, she submitted her application for the same. However, there is some controversy as to whether the said application was submitted within the time specified.

4. The said application was required to be made within a period of one year from receipt of the compensation (that is, on or before 21.01.1999). It is the petitioner's case that she submitted her application on 15.01.1999, which was well within the specified time. This is disputed by the respondent; according to the respondent, the said application was made on 28.01.1999 and, therefore, was delayed by a period of 7 days. The respondent further contends that the petitioner has manipulated the records to indicate that the application was filed on an earlier date.

5. The petitioner's application has been rejected only on the ground that it was filed beyond the specified period of one year from the receipt of compensation.

6. This court is of the view that the said controversy is not material considering the decision of the Division Bench of this Court in ***Government of NCT of Delhi through Secretary v. Poonam Gupta: 2016(154) DRJ 103 (DB)***. In terms of the said decision, the period of one year as specified is not sacrosanct and the respondent retains the discretion to condone the delay. The Division Bench has unequivocally held that an application for allotment of an alternate plot could not be rejected only on the ground that it was delayed.

7. In view of the above, the present petition is allowed to the extent that

respondent is directed to examine and process the petitioner's application in accordance with law, uninfluenced of the question of any delay in filing the same.

8. The petition is disposed of in the aforesaid terms.

NOVEMBER 29, 2018
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VIBHU BAKHRU, J