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

+ W.P.(C) 9034/2018

M/S. S B INDUSTRIES Petitioner
Through: Mr Dinesh Mohan Sinha, Advocate.

versus

GOVERNMENT OF NCT OF DELHI
& ANR Respondents
Through:

CORAM:
HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER
% **28.08.2018**

C.M. No. 34729/2018

1. Allowed, subject to all just exceptions.

W.P.(C) 9034/2018 & C.M. No.34728/2018

2. The petitioner has filed the present petition, *inter alia*, praying as under:-

“It is therefore, respectfully prayed that your lordships may graciously be pleased to issue under article 226 of the constitution of India a writ in the nature of mandamus or any other Writ or order directing the respondent not to seal the factory working in non confirming area/to allot an industrial plot to the petitioner or any other relief which your good self may deem fit may kindly be granted.”

3. The petitioner is a sole proprietorship concern of Ms Saroj Bala Jain. It is stated that she was running an industrial unit at 9/64, Gali Bagachi

Vishwas Nagar Shahdara, Delhi-110032, which is a non-conforming area.

4. In view of the decision of the Supreme Court in ***MC Mehta v. Union of India: W.P.(C) 4677/1985***, the industrial units running in non-conforming area were required to be relocated. In the aforesaid context, the Government of NCT of Delhi had floated a scheme for allotment of industrial plots for relocation of the units operating in the non-conforming area. The petitioner's case is that she had filed an application for allotment of an alternative plot under the said scheme – application form no.18340 dated 27.12.1996 – however, the respondents have not allotted a plot to the petitioner

5. Concededly, the list of all applicants that were successful in securing the allotment were published in a newspaper in the year 2000. The petitioner's name was not included in the said list. The petitioner states that she has been pursuing with the respondents for allotment of an industrial plot and had also visited the office of the respondents in May 2001, May 2002, April 2003, October 2004 and October 2006. The documents annexed along with the petition indicate that last letter written by the petitioner for securing such an allotment was on 14.07.2005. It is claimed that the petitioner had not received any response to the said letter. Concededly, the petitioner did not take any steps at the material time.

6. In view of the above, the present petition for seeking an alternative plot, which is now filed after twenty-two years after the application was made and thirteen years after the last letter issued by the petitioner in this regard is plainly beyond time.

7. Insofar as the petitioner's relief that the respondents be directed not to

seal its factory is concerned, the same is unmerited as there is no dispute that the petitioner is running a factory in a non-conforming area.

8. The petition is, accordingly, dismissed. The pending application is also disposed of.

VIBHU BAKHRU, J

AUGUST 28, 2018
MK