

73.
\$ 65, 68, 72, 73, 76

* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(C) 9488/2018

INDER KUMAR ARORA

..... Petitioner

Through Mr Pramod Kumar Ahuja, Advocate.

versus

GOVERNMENT OF N.C.T. OF DELHI AND ORS..... Respondent

Through Mr Rajneesh Bhaskaran, Mr Uttam Kumar, Advocates for R1.

Mr Dhanesh Relan, Standing Counsel for DDA with Mr Gauri Chaturvedi, Mr M. Sharma, Advocates for DDA.

Ms Renuka Arora, Ms Nikita Salwan, Advocates For R2/DSIIDC.

68.

+ W.P.(C) 9508/2018

INDERJOT SINGH AND ASSOCIATES
PVT. LTD. AND ANR.

..... Petitioners

Through Mr Pramod Kumar Ahuja, Advocate.

versus

GOVERNMENT OF N.C.T. OF DELHI AND ORS.

..... Respondent

DDA

Through Mr Dhanesh Relan, Standing Counsel for

with Mr Gauri Chaturvedi, Mr M. Sharma, Advocates for DDA.

Ms Renuka Arora, Ms Nikita Salwan, Advocates For R2/DSIIDC.

72.

+ W.P.(C) 9512/2018

SMT. MALA SHARMA AND ANR.

..... Petitioners

Through Mr Pramod Kumar Ahuja, Advocate.

versus

GOVERNMENT OF N.C.T OF DELHI
AND ORS.

..... Respondents

Through Mr Anand V. Khatri, Advocate for R1.
Mr Dhanesh Relan, Standing Counsel for DDA
with Mr Gauri Chaturvedi, Mr M. Sharma,
Advocates for DDA.
Ms Renuka Arora, Ms Nikita Salwan, Advocates
For R2/DSIIDC.

73.

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W.P.(C) 9514/2018

M/S AAKRITI OFFSET AND ANR

..... Petitioners

Through Mr Pramod Kumar Ahuja, Advocate.

versus

GOVERNMENT OF N.C.T. OF
DELHI AND ORS.

..... Respondents

Through Mr Chirag Madan, Ms Ravleen
Sabharwal, Advocates for R1.
Ms Renuka Arora, Ms Nikita Salwan, Advocates
For R2/DSIIDC.

76.

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W.P.(C) 9535/2018

INDER PAL SINGH

..... Petitioner

Through Mr Pramod Kumar Ahuja, Advocate.

versus

GOVERNMENT OF N.C.T OF DELHI
AND ORS.

..... Respondents

Through Mr Anya Singh, Advocate for
GNCTD/R1.

Mr Dhanesh Relan, Standing Counsel for DDA
with Mr Gauri Chaturvedi, Mr M. Sharma,
Advocates for DDA.
Ms Renuka Arora, Ms Nikita Salwan, Advocates
For R2/DSI IDC.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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11.09.2018

1. The learned counsel appearing for the parties state that the issue involved in the present petitions is similar to the issue involved in *W.P. (C) No. 9179/2018* captioned "*Mrs Veena Arora v. Government of N.C.T. of Delhi and Ors*". The said petition was disposed of by an order dated 06.09.2018. They request that the present petitions be disposed of in similar terms.
2. The petitioners in the above petitions are the allottees of industrial sheds / flats by the Delhi State Industrial and Infrastructure Development Corporation (hereafter 'DSI IDC'). The petitioners are desirous that the industrial sheds allotted to them be converted from leasehold to freehold. The petitioners also claim that they have deposited the conversion charges with the DSI IDC for the said purpose. They have filed the present petitions, essentially, being aggrieved by inaction on the part of the DSI IDC in converting the aforesaid properties from leasehold to freehold.
3. One of the principal reasons for inaction in conversion of the properties from leasehold to freehold is impasse between DSI IDC and the Delhi Development Authority (hereafter 'the DDA'). It is the case of the DDA that although the structure may belong to the DSI IDC but the land in

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question belongs to the DDA and, therefore, the DDA is entitled to the conversion charges and not the DSIIDC. It is seen that the similar issue is also involved in the case of *Shikha Gugnani & Anr. v. Govt. of NCT & Ors: WP(C) No.9772/2015*.

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

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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."

5. In *Mrs Veena Arora v. Government of N.C.T. of Delhi and Ors (supra)*, this Court had observed that it would be apposite to follow the said procedure in these matters as well.

6. Accordingly, the DSIIDC is directed to convert the said properties from leasehold to freehold provided the petitioners deposit the necessary conversion charges with the DSIIDC and otherwise comply with all other requirements. The issue whether the DDA or the DSIIDC is entitled to appropriate the conversion charges, would not hold up the applications filed by the petitioners 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.

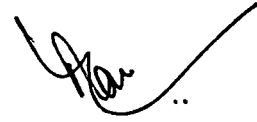
7. It is clarified that nothing stated herein should be construed as an expression of opinion that the petitioners are otherwise entitled to conversion of the respective properties allotted to them.

8. The issue as to whether the DDA or the 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.

9. It is further directed that in the event, the petitioners are not eligible or have not complied with the requirement under the conversion policy, DSIIDC shall communicate the same to the petitioners within two weeks from today.

10. The present petitions are disposed of in the above terms. All the pending applications, if any, are also disposed of.

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



VIBHU BAKHRU, J

SEPTEMBER 11, 2018

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