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

+ **W.P.(C) 9788/2018**

GAGAN SACHDEVA Petitioner
Through: Mr Pramod Kumar Ahuja, Advocate.

versus

GOVT OF NATIONAL CAPITAL TERRITORY OF
DELHI & ORS Respondents
Through: Mr Sumit Agarwal, Advocate for R1.
Ms Nikita Salwan, Advocate for
R2/DSI IDC.

CORAM:
HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER
% **17.09.2018**

1. The petitioner in the above petition is the allottee of industrial shed/flat by the Delhi State Industrial and Infrastructure Development Corporation (hereafter 'DSI IDC'). The petitioner is desirous that the industrial shed allotted to him be converted from leasehold to freehold. The petitioner also claims that he has deposited the conversion charges with the DSI IDC for the said purpose.
2. The petitioner has filed the present petition, essentially, being aggrieved by inaction on the part of the DSI IDC in converting the aforesaid property from leasehold to freehold.
3. One of the principal reasons for inaction in conversion of the property 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 DSIIDC but the land in question belongs to the DDA and, therefore, 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 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 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.”

5. This Court is of the view that it would be apposite to follow the said procedure in this matter as well. Accordingly, DSIIDC is directed to convert the said property from leasehold to freehold provided the petitioner deposits 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 property allotted to him, from leasehold to freehold. All charges received by the DSIIDC for converting the property in question shall be deposited in a no-lien interest bearing Account.

6. 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 property allotted to him.

7. 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.

8. 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 two weeks from today.

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

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

VIBHU BAKHRU, J

SEPTEMBER 17, 2018

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