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$~59, 62, 63, 79, 80, 85 & 88

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

+ 59. **W.P.(C) 12833/2018**

UDAY PRAKASH AND ANR. ..... Petitioners

Through: Mr Ghan Shyam Vasisht, Mr M.K. Vashisht and Mr Piyush, Advocates.

versus

GOVT. OF NCT OF DELHI AND ORS. ..... Respondents

Through: Ms Nikita Salwan, Advocate for R-2/DSIIDC.
Mr Dhanesh Relan, Standing Counsel with Mr Rajeev Kumar Jha and Ms Gauri Chaturvedi, Advocates for DDA.

AND

+ 62. **W.P.(C) 12846/2018**

MAMTA GARG AND ANR. ..... Petitioners

Through: Mr Ghan Shyam Vasisht, Mr M.K. Vashisht and Mr Piyush, Advocates.

versus

GOVT. OF NCT OF DELHI AND ORS. ..... Respondents

Through: Ms Nikita Salwan, Advocate for R-2/DSIIDC.
Mr Dhanesh Relan, Standing Counsel with Mr Rajeev Kumar Jha and Ms Gauri Chaturvedi, Advocates for DDA.

AND

+ 63. **W.P.(C) 12849/2018**

SANGEETA JAIN ..... Petitioner

Through: Mr Ghan Shyam Vasisht, Mr M.K. Vashisht and Mr Piyush, Advocates.

versus

GOVT. OF NCT OF DELHI AND ORS. ..... Respondents

Through: Mr Kaustubh Anshuraj, Advocate for R-1.
Ms Nikita Salwan, Advocate for R-

2/DSIIDC.
Mr Dhanesh Relan, Standing Counsel with Mr Rajeev Kumar Jha and Ms Gauri Chaturvedi, Advocates for DDA.

AND

+ 79. **W.P.(C) 12914/2018**

MADAN LAL ARORA ..... Petitioner

Through: Mr Ghan Shyam Vasisht, Mr M.K. Vashisht and Mr Piyush, Advocates.

versus

GOVT. OF NATIONAL CAPITAL TERRITORY OF DELHI & ORS ..... Respondents

Through: Mr Kushagra Pandey, Advocate for GNCTD/R-1.
Ms Nikita Salwan, Advocate for R-2/DSIIDC.
Mr Dhanesh Relan, Standing Counsel with Mr Rajeev Kumar Jha and Ms Gauri Chaturvedi, Advocates for DDA.

AND

80.
+ **W.P.(C) 12915/2018**

SMT KANTA SACHDEVA ..... Petitioner

Through: Mr Ghan Shyam Vasisht, Mr M.K. Vashisht and Mr Piyush, Advocates.

Versus

GOVT. OF NCT OF DELHI AND ORS. ..... Respondents

Through: Ms Nikita Salwan, Advocate for R-2/DSIIDC.
Mr Dhanesh Relan, Standing Counsel with Mr Rajeev Kumar Jha and Ms Gauri Chaturvedi, Advocates for DDA.

+ 85. **W.P.(C) 12938/2018**

T. R. TRANSMISSION (P. LTD.) ..... Petitioner

Through: Mr Ghan Shyam Vasisht, Mr M.K. Vashisht and Mr Piyush, Advocates.

versus

GOVT. OF NCT OF DELHI AND ORS. ..... Respondents

Through: Ms Anjum Javed, ASC for GNCTD with Mr Devendra Kumar, Mr Faran Ahmed, Ms Priti, Advocates alongwith Mr Vinod Kumar, Dy. Comm. for R-1/Commissioner of Industry.
Ms Nikita Salwan, Advocate for R-2/DSIIDC.
Mr Dhanesh Relan, Standing Counsel with Mr Rajeev Kumar Jha and Ms Gauri Chaturvedi, Advocates for DDA.

AND

+88. **W.P.(C) 12948/2018**

SMT. RAJ RANI SUHAG ..... Petitioner

Through: Mr Ghan Shyam Vasisht, Mr M.K. Vashisht and Mr Piyush, Advocates.

versus

GOVT. OF NCT OF DELHI AND ORS. ..... Respondents

Through: Mr Mananjay Mishra, Advocate for R-1.
Ms Nikita Salwan, Advocate for R-2/DSIIDC.
Mr Dhanesh Relan, Standing Counsel with Mr Rajeev Kumar Jha and Ms Gauri Chaturvedi, Advocates for DDA.

CORAM:
HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% 30.11.2018

1. The petitioners in the above petitions are the allottees of industrial sheds / flats allotted by the Delhi State Industrial and Infrastructure Development Corporation (hereafter 'DSIIDC') or have otherwise acquired interests in such sheds. The petitioners are desirous that the industrial sheds purchased by them be converted from leasehold to freehold. The petitioners also claim that they have deposited the conversion charges with the DSIIDC for the said purpose.

2. They have filed the present petitions, *essentially*, being aggrieved by inaction on the part of the DSIIDC 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 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.***

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 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."

5. 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 petitioners 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 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.

6. 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 purchased by them.

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 petitioners are not eligible or have not complied with the requirement under the conversion policy, DSIIDC shall communicate the same to the petitioners within eight weeks from today.

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

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

VIBHU BAKHRU, J

NOVEMBER 30, 2018
RK