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

+ **W.P.(C) 13127/2018**

BALDEV RAJ KALRA

..... Petitioner

Through: Mr Pramod Kumar Ahuja and Mr
Himanshu Sapra, Advocates.

versus

GOVT OF NCT OF DELHI & ORS

..... Respondents

Through: Mr Jawahar Raja, CGSC, GNCTD
with Ms Kritika Padode, Advocatesw
for R-1.

Ms Anusuya Salwan, Shreya Sharma
and Ms Nikita Salwan, Advocates for
R-2/DSIIDC.

Mr Dhanesh Relan, Standing Counsel
for DDA.

AND

+ **W.P.(C) 13129/2018**

B R KALRA

..... Petitioner

Through: Mr Pramod Kumar Ahuja and Mr
Himanshu Sapra, Advocates.

versus

GOVT OF NCT OF DELHI & ORS.

..... Respondents

Through: Mr Shadan Farasat, ASC for
GNCTD/R-1.

Ms Anusuya Salwan, Shreya Sharma
and Ms Nikita Salwan, Advocates for
R-2/DSIIDC.

Mr Dhanesh Relan, Standing Counsel
for DDA.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

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ORDER

05.12.2018

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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 'DSI IDC') 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 DSI IDC for the said purpose.

2. 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 the 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 question belongs to the DDA and, therefore, the DDA is entitled to the conversion charges and not the DSI IDC. 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

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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

DECEMBER 05, 2018/MK