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

+ W.P.(C) 7765/2019

SHRI SATPAL

..... Petitioner

Through: None.

versus

THE CHIEF SECRETARY GOVERNMENT OF
NATIONAL CAPITAL AND ORS.

..... Respondents

Through: Ms Anusuya Salwan, Standing
Counsel with Ms Nikita Salwan, and
Abhishek Pundir, Advocates for
DSIIDC.

Ms Namrata Mukum and Ms Unnati
Anand, Advocates for R-2.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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19.07.2019

1. None appears for the petitioner.
2. The petitioner has filed the present petition, *inter alia*, praying that directions be issued to the respondents to allot an industrial plot in favour of the petitioner, in compliance of the order dated 10.01.2018 passed by the Division Bench of this Court in *LPA No. 11/2018* captioned "*Satpal v. the Chief Secretary, Government of NCT of Delhi*".
3. It is the petitioner's case that at the material time, he was carrying on business as a sole proprietor in the name and style of 'M/s Pradeep Wood Works' from the premises bearing No. V-1, Khajoor Wali Gali No.2, Arvind Nagar, Ghonda, Delhi-110053.
4. The respondents floated a relocated scheme for relocating the industries from non-conforming areas in view of the decision of the

Supreme Court in the case of ***M.C. Mehta v. Union of India & Ors: AIR 1996 SC 3311.***

5. Apparently, one Sh. Bharat Bhushan had taken an advantage of the said scheme and had claimed allotment of an industrial plot against the unit functioning under the name and style of M/s Pradeep Wood Works. The petitioner claimed that the said plot (Plot No. 246, Pocket-I, Sector 5, Industrial Area Bawana, Delhi) had to be allotted to the petitioner, but was fraudulently usurped by Mr Bharat Bhushan. He had, accordingly, filed a writ petition being W.P.(C) 5834/2014 captioned “*Satpal v. The Chief Secretary, Government of NCT of Delhi and Ors.*”.

6. The said writ petition was disposed of by an order dated 05.09.2014 with directions to the respondents to investigate the matter and communicate the decision to the petitioner. The investigation revealed that the allegations made by the petitioner were correct to the extent that one Mr Bharat Bhushan had taken possession of the plot allotted by Delhi State Industrial and Infrastructure Development Corporation Ltd (DSIIDC) by incorrectly representing himself as the proprietor of M/s Pradeep Wood Works.

7. In view of the above, the allotment of the plot in question was cancelled. However, the same was not allotted to the petitioner.

8. Aggrieved by the same, the petitioner filed another writ petition being 10416/2017, *inter alia*, praying that directions be issued to DSIIDC to allot the plot which was earlier allotted to M/s Bharat Bhushan. This Court did not find any merit in the petitioner’s claim and dismissed the petition by an order dated 24.11.2017. This Court held that since the petitioner had not

applied for a plot, he could not claim allotment for the same. The said order was carried in appeal before the Division Bench of this Court (LPA 11/2018), and the same was allowed. The Division Bench on 10.01.2018 directed DSIIDC to inquire into the matter to ascertain whether the petitioner was, in fact, operating the proprietorship concern under the name of Pradeep Wood Works at the material time.

9. The petitioner has filed the present petition, *inter alia*, contending that the said order has not been complied with.

10. Ms Salwan, learned counsel appearing for DSIIDC states that the said contention is incorrect as DSIIDC had considered the petitioner's case for allotment of the plot in question, pursuant to the order dated 10.01.2018 passed by the Division Bench of this Court in LPA 11/2018. She has also handed over a copy of the said order dated 04.07.2018 rejecting the petitioner's claim. She further states that copy of the said order was also handed over to the petitioner in the proceedings relating to Cont. CAS(C) No. 849/2018, which was instituted by the petitioner.

11. The petitioner has not challenged the order dated 04.07.2018 and it is evident from the above that directions issued by the Division Bench of this Court on 10.01.2018 in LPA 11/2018, have been complied with.

12. In the aforesaid view, the petition is unmerited and, accordingly, dismissed both, in default as well as on merits.

VIBHU BAKHRU, J

JULY 19, 2019/RK