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

+ **W.P.(C) 7865/2019**

FAMILY OF SHIRDI SAI BABA Petitioner

Through Mr Deepak Agarwal, Advocate.

versus

UNION OF INDIA AND ORS. Respondents

Through Mr Dilbag Singh, Advocate Sr. CGC
for UOI/R1.

Mr Parvinder Chauhan, Standing Counsel with
Mr Nitin Jain, Advocate for DUSIB.

Mr Sanjay Singh, Advocate for R4/DDA.

Mr Sanjeev Kumar Singh, Mr Raghvendra Pandey,
Advocates for GNCTD.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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22.07.2019

CM APPL. 32681/2019

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

W.P.(C) 7865/2019

3. The petitioner claims to be a NGO. It has filed the present petition, *inter alia*, praying that directions be issued to the respondents not to allot any dwelling units contrary to provisions of Delhi Urban Shelter Improvement Board Act, 2010 (DUSIB Act). The petitioner also prays that directions be issued to the respondent not to charge a price of ₹1,42,000/-

per dwelling unit from the beneficiaries who are allotted flats under the relocation/rehabilitation scheme of Slum & JJ Dwellers.

4. The petitioner has founded its case on the Office Order dated 19.02.2010 issued by the Government of NCT of Delhi setting out the financial assistance pattern for allotment of dwelling units to the beneficiaries of the relocation/rehabilitation scheme. The said Financial Assistance Pattern is reproduced below:-

g) Financial Assistance Pattern: About 25 sq. meters of carpet area (32 sq. meters plinth area) would be built up with the following approximate sharing of costs:

Govt. of India contribution	= Rs. 1,19,000-00
Beneficiary contribution	= Rs. 60,000-00
Land Owning Agency contribution	= Rs. 93,000-00
Delhi Govt contribution	= Rs. 62,000-00
Total	= Rs.3,34,000.00

However, the above is only illustrative in nature and will be determined on pro-rata basis depending upon the carpet area, cost index, location, area and cost of the flat

(h) **Beneficiaries' contribution:** The beneficiary contribution amounting to Rs.60000/-, which will be subject to change', per eligible JJ dweller and would be deposited with the nodal Agency in a separate account known as 'State Infrastructure Development Fund'

(i) **Land Owning Agencies contribution:** The land owning agencies on whose lands slums have come up have to make their contributions to the Nodal Agency as may be fixed from time to time for clearing their lands and relocation/rehabilitation of JJ dwellers. The amount received will be deposited in a separate account to be maintained by the Nodal agency."

5. The petitioner states that contrary to the said pattern, DUSIB is now

insisting on charging a sum of ₹1,12,000/- from all beneficiaries as their respective contribution. He states that in addition to the above, the beneficiaries are also called upon to pay a sum of ₹30,000/- for maintenance of the area for a period of five years. According to the petitioner, the increase in the contribution payable by the beneficiaries from Rs.60,000/- to ₹1,42,000/- (₹1,12,000 + ₹30,000) is onerous and harsh and would frustrate the object of the relocation/rehabilitation as the same is beyond the reach of the JJ dwellers.

6. Mr Chauhan, learned counsel appearing for DUSIB countered the submissions made by the petitioner. At the threshold, he raised a preliminary objection regarding the locus of the petitioner to seek the relief as sought. He submits that the DUSIB had not come across any case where a beneficiary who was allotted a dwelling unit had expressed his inability to pay the amount as demanded from him. He also points out that in cases of beneficiaries belonging to the Schedule Casts and Scheduled Tribes category, the contribution demanded is much lower.

7. He also states that there has been a manifold increase in the cost of the dwelling unit and now the contribution by the land owning agency itself (which was earlier envisaged at Rs.93,000/-) is in the vicinity of ₹9 lakhs.

8. Both the contentions advanced by Mr Chauhan are merited. First of all, this Court is unable to accept that the petitioner has any locus to challenge the contribution demanded by DUSIB. The question where the beneficiaries are unable to pay this amount cannot be examined in a vacuum. The blanket relief as sought for by the petitioner cannot be granted without considering specific cases.

9. The contention that the beneficiaries' contribution demanded by the

DUSIB is violative of the DUSIB Act, 2010 is also unmerited. Charging approximately 10% to 15% of the total cost of the dwelling unit from the beneficiaries is neither proscribed by any provision nor runs contrary to the Welfare Scheme of the DUSIB Act.

10. In view of the above, the petition is dismissed.

VIBHU BAKHRU, J

JULY 22, 2019

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