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

+ **W.P.(C) 1615/2013**

ARVIND RAWAL

..... Petitioner

Through

versus

UNION OF INDIA & ANOTHER Respondents

Through: Mr Roshan Lal Goel and Ms Anju Gupta, Advocates for R-1/UOI.
Ms Mini Pushkarna, Standing Counsel, DUSIB with Ms Apoorva Khosla, Ms Shiva Pandey and Ms Swagata Bhuyan, Advocates for DUSIB.

WITH

39.

+ **W.P.(C) 3245/2013**

ASHWANI KUMAR CHADHA

..... Petitioner

Through: Ms Padma Priya, Advocate.

versus

DELHI URBAN SLUM IMPROVEMENT
BOARD

..... Respondent

Through: Ms Mini Pushkarna, Standing Counsel, DUSIB with Ms Apoorva Khosla, Ms Shiva Pandey and Ms Swagata Bhuyan, Advocates for DUSIB.

WITH

40.

+ **W.P.(C) 1247/2014**

RAMESH KUMAR

..... Petitioner

Through: Ms Padma Priya and Mr Anchit
Bhandari, Advocates.

versus

DELHI DEVELOPMENT AUTHORITY AND
ORS

..... Respondents

Through: Ms Mini Pushkarna, Standing
Counsel, DUSIB with Ms
Apoorva Khosla, Ms Shiva
Pandey and Ms Swagata Bhuyan,
Advocates for DUSIB.

WITH

41.

+ **W.P.(C) 8444/2016**

BHIM SINGH AND ORS

..... Petitioners

Through: Mr Nikhil Singh, Advocate.

versus

DELHI DEVELOPMENT AUTHORITY
AND ORS

..... Respondents

Through: Ms Manisha Agrawal Narain,
Advocate for R-1/DDA.
Ms Mini Pushkarna, Standing
Counsel, DUSIB with Ms
Apoorva Khosla, Ms Shiva
Pandey and Ms Swagata Bhuyan,
Advocates for DUSIB.

AND

42.

+ **W.P.(C) 875/2017**

MOHIT ARORA

..... Petitioner

Through

versus

ASSISTANT DIRECTOR (HOUSING) DDA
AND ANR

.....

Respondents

Through: Ms Mini Pushkarna, Standing
Counsel, DUSIB with Ms
Apoorva Khosla, Ms Shiva
Pandey and Ms Swagata Bhuyan,
Advocates.

CORAM:
HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **07.02.2019**

1. The petitioners have filed the present petitions, inter alia, seeking allotment of dwelling units under the “Residential Flat Registration Scheme 1985” (hereafter ‘the 1985 Scheme’). The petitioners had registered under the 1985 Scheme and also paid the registration amount of ₹3,000/- at the material time. Aggrieved by the non allotment of dwelling units even after more than 32 years, the petitioners have moved this court by way of the present petitions.
2. It was apparent from the status reports filed in these petitions that little progress was made by the Slum Wing of DDA or its successor, Delhi Urban Shelter Improvement Board (DUSIB) in ensuring that flats are allotted to the registrants of the 1985 Scheme. During the course of the proceedings, DUSIB had informed this court that it had written letters to the Union of India to allot already built up flats under the Jawaharlal Nehru National Urban Renewal Mission (JNNURM). Over the course of proceedings, this court was also informed that certain flats are available

for allotment to the registrants. DUSIB has also filed an affidavit affirming that it has commenced the exercise of re-verification of the applicants, considering the period that has elapsed since the applications were accepted.

3. In the order dated 24.01.2019, this Court had recorded that the matter regarding allotment of flats is being actively pursued by DUSIB, therefore, no further orders are required to be passed by this Court. However, at this stage, learned counsel appearing for the petitioner had raised a doubt whether the flats under the JNNURM scheme would be made available to the petitioners as, under the said scheme, bulk of the costs was to be paid by government agencies and the beneficiaries were only required to contribute 12% of the costs. This is in variance with the DUSIB's proposal to allot flats on costs.

4. In view of the above, this Court had called upon learned counsel appearing for respondent no.1 to take instructions in this regard.

5. Mr Goel, the learned counsel appearing for respondent no.1 now contends that it is not respondent no.1's case that the flats should be allotted at subsidised rates and the same can be allotted on cost basis. However, the question as how the consideration is to be appropriated is a matter between DUSIB and respondent no.1.

6. In view of the above statement, DUSIB is directed to proceed with the complete allotment of flats on costs basis (which has been provisionally determined at approximately ₹13 Lakhs per dwelling unit). The issue whether the said costs are to be appropriated and by which government agency (whether DUSIB or respondent no.1), is left open.

7. The learned counsel appearing for the petitioners submits that the

1985 Scheme is in variance with the current scheme, inasmuch as, the earlier scheme did not stipulate an income criteria and further, flats were also available on a hire-purchase basis.

8. It is seen that more than 35 years have passed since the 1985 scheme was floated. It is also not disputed that the scheme was for slum dwellers and persons from the lower economic strata of society. In view of the above, this Court finds no infirmity with DUSIB fixing the eligibility criteria for the applicants. Considering that DUSIB is now required to source flats from other agencies, the decision of DUSIB to do so on cash down basis also does not warrant any interference by this Court.

9. The petitions are accordingly disposed of, with the aforesaid direction.

VIBHU BAKHRU, J

FEBRUARY 07, 2019
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