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

+ **W.P.(C) 2751/2018 & CM No. 11188/2018**

WAVEL INVESTMENTS PRIVATE
LIMITED

..... Petitioner

Through: Mr Subhash C. Jindal, Advocate.

versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr Vikas Mahajan, CGSC with Mr
Aakash Varma and Mr Deepak
Goyal, Advocates for UOI.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **16.04.2019**

1. The petitioner has filed the present petition, *inter alia*, praying that the respondents be directed to restore the petitioner's application dated 09.03.2016 for conversion of its flat bearing no.A-1, 6, Aurangzeb Road, New Delhi-110011, from leasehold to freehold. The petitioner further prays that directions be issued to the respondents to inform the petitioner as to pro-rata charges payable by the petitioner for conversion of its flat from leasehold to freehold.
2. The petitioner had filed an application for conversion of the aforementioned premises from leasehold to freehold on 21.03.2016. The said application was rejected by the respondents by a letter dated 13.10.2017, on the ground that the petitioner had not submitted a certified copy of the sanctioned building plan. The petitioner was further advised

to apply afresh and enclose therewith all relevant documents alongwith certified copies of the sanctioned plan as well as conversion fee.

3. The learned counsel appearing for the petitioner submits that the reasons indicated in the said order are wholly erroneous as the petitioner had, in fact, supplied copies of the sanctioned plan prior to its rejection. He also drew the attention of this Court to a letter dated 15.03.2017, whereby the petitioner was informed that inspection would be carried out on 27.03.2017 and the petitioner was further required to make available the certified copies of the sanctioned plan and the completion plan from the local body, to the Inspecting Officer. He submits that the said letter made it clear that the petitioner was not required to submit certified copies of the sanction plan but was required to produce the same at the time of inspection. He submits that, nonetheless, the petitioner after receipt of rejection letter dated 13.10.2017, also filed the certified copy of the sanctioned plan under cover of a letter dated 23.10.2017.

4. It is seen that by a letter dated 20.07.2016, the petitioner was called upon to submit a cloth mounted sanctioned building plan of the property. Although it does appear that the petitioner had submitted a certified copy of the sanction plan, however, the same was done after a considerable period of time and after the petitioner's application had been rejected. This Court is informed by the learned counsel for the petitioner that the delay was on account of obtaining the certified copy from the concerned authorities.

5. It is apparent from the above that the respondents now have all the documents required for processing the petitioner's application for conversion of the property in question. Mr Mahajan, learned counsel

appearing for the respondents, states that the petitioner's application would be processed as and when it is filed without seeking any further documents. He states that the earlier application cannot be processed as the applications have to be processed in two cycles commencing in January and July of a calendar year. He states that the charges are required to be calculated on the basis of the rates as prevalent at the applicable time.

6. In this view, the present petition is disposed of by permitting the petitioner to file a fresh application. It is further stated that if the application is filed by the petitioner within a period of two weeks from today, the same would be processed within a period of three months thereafter, without insisting on any further documents from the petitioner as, admittedly, all the relevant documents are available with the respondent.

7. The pending application is disposed of.

VIBHU BAKHRU, J

APRIL 16, 2019

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