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

+ W.P.(C) 5962/2018

M/S RAJAT DALL MILL AND ORS. Petitioners

Through: Mr Ravin Rao, Advocate.

versus

GOVT. OF NCT OF DELHI AND ORS. Respondents

Through: Mr Anusuya Salwan, Standing
Counsel, DSIIDC with Ms Nikita
Salwan, Advocates with Mr Ashok
Kumar, Manager, DSIIDC.
Mr Sanjeev Kumar Singh, Advocate
for R-3.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **14.05.2019**

1. The petitioners have filed the present petition, *inter alia*, praying that directions be issued to respondent nos.1 and 2 to convert the industrial plot bearing no.H-1450, land measuring 350 square meter situated in the layout plan of Narela Industrial Complex, Narela, Delhi-110040. The petitioners' request for conversion was rejected by DSIIDC by an order dated 16.01.2019. A plain reading of the said order indicates that the DSIIDC has rejected the documents furnished by the petitioners, in view of the circular no.F.1(192)/Regn.Br./Div. Com./2012/298 issued on 27.04.2012 by DSIIDC.
2. It has been held that in terms of the said Circular, the documents furnished by the petitioner cannot be recognised to establish acquisition of

any interest or title in the property in question.

3. Ms Salwan, learned counsel appearing for the DSIIDC fairly points out that the said issue was considered by the Coordinate Bench of this Court in ***W.P.(C) 4585/2012*** captioned '***Pace Developers and Promoters v. GNCTD***', wherein the Court had held that the said documents in each case would have to be examined and the observations made by the Supreme Court in ***Suraj Lamp & Industries (P) Ltd. v. State of Haryana: 2012 (1) SCC 656*** cannot be understood to mean that in no case, a conveyance can be registered by taking recourse to a General Power of Attorney (GPA).

4. In view of the above, the impugned order is set aside and the matter is remanded to DSIIDC to consider the petitioners' application for conversion, after verifying the documents furnished by the petitioner having regard to the decision rendered by this Court in ***Pace Developers and Promoters v. GNCTD (supra)***.

5. It is also noticed that the Delhi Development Authority is also accepting certain documents (other than conveyance deed) as sufficient evidence of transfer of interest in properties, for the purpose of converting the properties from lease hold to free hold in favour of the applicant. DSIIDC shall also bear in mind the policy followed by the DDA while examining the request of the petitioners as the two separate wings of the said government cannot follow different standards for considering the same issue.

6. The petition is disposed of in the aforesaid terms.

VIBHU BAKHRU, J

MAY 14, 2019/MK