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

+ **W.P.(C) 7633/2015**

ASHOK KUMAR NARULA Petitioner
Through: Ms Neha Garg, Advocate.

versus

**DELHI STATE INDUSTRIAL DEVELOPMENT
CORPORATION LTD.** Respondent
Through: Ms Deepali Gupta, Advocate.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **24.04.2019**

1. The petitioner has filed the present petition, *inter alia*, praying that directions be issued to respondent (DSIDC) to transfer shed No. 25, Category -II, Rohtak Road, Industrial Complex, Delhi-110041, without any further delay.
2. The petitioner, essentially, impugns an order dated 29.06.2015, rejecting the petitioner's representation and declining the petitioner's request to transfer the shed in his favour.
3. Concededly, the principal reason for declining the petitioner's request for transfer of the shed in question, is the criminal case instituted against Sh. K.G. Sharma – the original allottee of the shed in question.
4. The learned counsel appearing for DSIDC points out that a criminal case had been registered against Sh. K.G. Sharma, under Section 120B read with Section 420, 467, 471, 477 and 467 IPC and Section 5(2) read with Section 5(1)(d) of the Prevention of Corruption Act, 1947. It is stated that

Sh. K.G. Sharma was convicted in the said case and was sentenced to undergo rigorous imprisonment for two years, alongwith a fine of ₹25,000/-. This court is informed that Sh. K.G. Sharma has since filed an appeal against the said order, which is pending before this Court.

5. In view of the aforesaid, this Court had called upon the learned counsel appearing for DSIDC to indicate whether there was any policy to reject transfers in cases where the original allottee has been convicted for any offence. The learned counsel appearing for DSIDC fairly concedes that there is no such policy to reject transfers of properties which are allotted to persons who have been convicted of a criminal offence.

6. This Court is of the view that a criminal offence committed by the original allottee would not necessarily present an impediment for the transfer of his property.

7. The learned counsel appearing for DSIDC further submits that DSIDC is not in a position to take an informed decision, since the necessary files relating to the property in question were handed over to CBI in 1993 and are no longer available with DSIDC. She has also handed over a copy of the letter dated 11.03.2019 sent to Superintendent of Police, CBI/Special Branch, requesting for the handing over of the relevant files in order to enable DSIDC to process this case.

8. In view of the above, CBI is directed to provide certified copies of all the documents relating to the shed in question, to DSIDC. The petitioner is also at liberty to apply to CBI and/or concerned Court for securing certified copies of the main file, which is stated to have been handed over to DSIDC. On receipt of such documents, the same would be provided to DSIDC.

9. DSIDC is directed to take an informed decision within a period of

eight weeks from the receipt of the relevant documents. Needless to state that if the petitioner is aggrieved by such decision of DSIDC, he is at liberty to apply.

10. The impugned order is set aside and the petition is disposed of with the aforesaid directions.

VIBHU BAKHRU, J

APRIL 24, 2019
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