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

+ W.P.(C) 10702/2017

RAJ PLASTIC

..... Petitioner

Through: Mr Manjit Singh Ahluwalia and Mr
Avtar Singh, Advocates.

versus

COMMISSIONER OF INDUSTRIES,
D.S.I.D.C. AND ANR

..... Respondents

Through: Ms Anusuya Salwan, Standing
Counsel for DSIIDC with Ms Nikita
Salwan, Advocate for R-2/DSIIDC.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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26.02.2019

1. The petitioner has filed the present petition, *inter alia*, praying as under:-

“a) Directing respondent no. 1 and 2 immediately give possession of plot bearing no. 180, Sector-A, Bawana-II, Bhorgarh, Bawana, New Delhi measuring 100 sq mts allotted to the petitioner.

B Set aside the show cause notice dated 27.02.2012 by the Respondents.

c) Directing the respondent no. 1 and 2 to complete the formalities and give the possession of the said plot to petitioner.”

2. The petitioner was allotted the above-mentioned plot, by a letter dated 28.03.2006. There is no dispute that the petitioner had also made the requisite payments for the same. However, at a subsequent stage, it was alleged that the petitioner's original unit was located in an INSITU area of

Anand Parbat and that he had secured the said allotment by furnishing an incorrect affidavit.

3. A show cause notice dated 27.02.2012 was issued to the petitioner in this regard. It does not appear that the petitioner responded to the said show cause notice. However, it is asserted that, thereafter, the petitioner made a request that the possession of the plot (Plot No. 180, Sector-A, measuring 100 sq. meters in Bawana-II (Bhorgarh), be handed over to him.

4. Since the petitioner's request was not acceded to, the petitioner filed the present petition. The essential controversy, in the present case, is whether the petitioner had submitted a false affidavit affirming that his unit was located at 196/7C, D-7, Gali No. 9, Than Singh Nagar, Anand Parbat, New Delhi-110005 and whether this unit "*does not fall within the INSITU area of Anand Parbat earmarked for re-development under MFD-2021*".

5. While the petitioner asserts that his affidavit is correct, the respondents had disputed the same. The petitioner further claimed that his immediate neighbour was also allotted a plot for the relocation of his unit and the said allotment had not been disturbed.

6. In the aforesaid circumstances, this Court passed an order dated 09.07.2018, directing respondent No. 2 (Delhi State Industrial Development Corporation- DSIDC), to carry out an inspection for identifying whether the petitioner's property falls within the INSITU area of Anand Parbat Industrial Area.

7. Ms Salwan, learned counsel appearing for the respondents, submits that in compliance with the orders passed by this Court, an inspection was carried out and the same revealed that the petitioner's property did not fall

within the INSITU area of Anand Parbat Industrial Area and, therefore, the petitioner was eligible for allotment of a plot for re-location of his unit.

8. In view of the above, the present petition is allowed, and the respondents are directed to restore the allotment of the plot in question (Plot No. 180, Sector-A, measuring 100 sq. meters in Bawana-II, Bhorgarh), in favour of the petitioner, and handover the possession of the same after completion of all formalities, within a period of three months from today.

9. The parties are left to bear their own costs.

VIBHU BAKHRU, J

FEBRUARY 26, 2019
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