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

+ W.P.(C) 7545/2019

SMT. KIRAN SINGHAL Petitioner
Through Mr.Sumit, Adv.

versus

STATE (GNCTD) THROUGH THE OFFICE OF COMMISSIONER
OF INDUSTRIES AND ORS. Respondents

Through Mr.Jawahar Raja, ASC and Mr.Archit
Krishna, Advs.for R-1.
Ms.Firdouse Qutab Wani and
Mr.Zaryab J Rizvi, Advs for R-2.
Mr.Dhanesh Relan, SC, Ms.Komal
Sorout and Ms.Kajri Gupta, Advs. for
DDA.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **04.02.2020**

1. This petition challenges the order dated 22.03.2019 of the respondent no.2 rejecting the application of the petitioner seeking conversion of Flat bearing No.A-203, situated in the layout plan of Narela Industrial Complex, DSIIDC, Narela, Delhi, from leasehold to freehold. The said application was rejected placing reliance on the Circular dated 27.04.2012 issued by the office of the Divisional Commissioner, Government of NCT of Delhi.
2. It has been held that in terms of the said Circular, the documents furnished by the petitioner cannot be recognized to establish acquisition of any interest or title in the property in question.
3. Ms.Firdouse Qutb Wani, 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, titled ***Pace Developers and Promoters v. GNCTD***, wherein the Court had held that the 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). Following the said judgment, the Court in ***M/s Rajat Dall Mill & Ors. vs. Govt. of NCT of Delhi & Ors.***, WP(C) No.5962/2018, vide order dated 14.05.2019, had directed the respondent DSIIDC to consider the case of the petitioner therein afresh.

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*** (supra). The respondent no.2 shall pass an order on the application of the petitioner within a period of eight weeks from today.

5. It is also noticed that the Delhi Development Authority (DDA) 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 leasehold 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 two separate wings of the government cannot follow different standards for considering the same issue.

6. Needless to state, in case the petitioner is aggrieved of the decision so taken by the respondent no.2, it shall always be open to the petitioner to

challenge the same in accordance with the law.

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

NAVIN CHAWLA, J

FEBRUARY 04, 2020/Arya