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

+ **W.P.(C) 2241/2021 & CM APPL. 6488/2021**

SATISH MEHTO

.....Petitioner

Through: Ms. Kawalpreet Kaur, Mr. Nayab Gauhar,
Mr. Aryan Kumar, Advocates.

versus

GOVERNMENT OF NCT OF DELHI & ORS.Respondents

Through: Mr. Sameer Vashisht, ASC (Civil) for
GNCTD with Mr. Vanshay Kaul, Mr.
Vedansh Vashisht, Advocates for R-1.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

19.07.2024

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1. The instant writ petition has been filed seeking the following prayers:

“i. Quash and set aside the Government’s Assistance Scheme for the Help of Riot Victims formulated by the Government of NCT of Delhi to the extent:

*a. Provides no compensation for the loss of household and other valuables;
b. Limits the compensation maximum of Rs.5 Lakhs in case of damages to the residential property instead of the actual loss suffered;*

ii. direct the Respondent No.1, Government of Delhi to consider the case of the petitioner under the amended scheme;

iii. direct the respondent no.1 and 2 to pay Rs.4,14,300 as interim compensation to the petitioner for losses and injury in person;

iv. direct the respondent no.1 and 2 to grant compensation of Rs.10,00,000 for the physical, mental and monetary loss suffered by the petitioner due to failure of state machinery;

v. Pass any other order deemed fit and proper in the circumstances of the present case.”

2. Status report has been filed in the petition on 27th May, 2021 which reads as follows:



BEFORE THE HON'BLE HIGH COURT OF DELHI

1.

In Re-

Satish Mehto

V/s

GNCTD & Others

Writ petition (Civil) 2241 of 2021

**SUB:-Status Report on behalf of Respondent No.4, SUB-DIVISIONAL
MAGISTRATE, Karawal Nagar in the Matter of Satish Mehto vs. GNCTD
& Others; Writ Petition (Civil) No.2241/2021**

1. That, by the way of instant petition, the petitioner Sh. Satish Mehto S/o Sh. Lal Mehto R/o A-378, Gali No. 22, Phase-7, Karawal Nagar, Delhi is seeking compensation of Rs. 4,14,300/- and interim compensation for losses and injury in person. Also, he claimed Rs. 10 lac for physical mental and monetary loss suffered by him, due to failure of state machinery. The petitioner had also prayed that Govt. Assistant Scheme formulated by GNCT Delhi be set aside because no compensation for loss of Household and other valuables is provided and compensation of Rs. 5 lac only, is announced as the maximum compensation amount in lieu of damages to residential property.
2. The petitioner had deposed on affidavit that his residential property A-378, Gali No. 22, Phase-7, Karawal Nagar, Delhi was damaged and looted during the incident of communal violence that took place on 24.02.2020 at Shiv Vihar, Karawal nagar, Delhi.
3. That petitioner stated that, he filed an online application for seeking compensation vide application web no. web_4445 on 27.08.2020 and also a written representation to office of SDM Karawal Nagar and Chief Secretary of Delhi but no compensation is received in response to such application.

It is submitted that, due information about compensation scheme was given by newspaper and other modes and last date of filing of forms was also informed by advertisement. The necessary document containing information about advertisement of last date for filing of claim was 25.7.2020 (Annexure A).
4. That, the petitioner prayed that the respondent no.1 i.e. GNCT Delhi and 2 i.e. Union of India to grant an interim compensation to the Petitioner as well as compensation for the losses suffered on account of physical and mental losses and injury suffered by his Grand Son.





5. That, as per records, it is submitted that Sh. Satish Mehto had concealed material information already filed an application form and he claimed a loss of Rs. 2 lac due to looting and theft in his property. Subsequently, such application was entered with web no. 837 with 06.03.2020 for claiming compensation on records w.r.t property no. A-378, Gali No. 22, Phase-7, Karawal Nagar, Delhi and the duly authorized team given an observation of *no looting* w.r.t claim of applicant and thus the application got rejected.

It is submitted that teams comprising of Sector Sub-divisional Magistrate, officials from Public works department (PWD), BSES Ltd, and Delhi Jal Board (DJB) were duly constituted on the orders of competent authority authorized by GNCT, Delhi and such authorized teams conducted local inquiry w.r.t application submitted by the applicants. Subsequently, a report was submitted before the office of Sub-divisional Magistrate, Karawal Nagar and other SDM concerned as per applications forms. The office of Deputy Commissioner, District North-East, GNCTD and Sub-divisional Magistrate had no control over the working of such teams during inspection and preparation of reports and merely sanction was given on approved claims, as per prescribed process and guidelines.

So, the applicant had given wrong details and deposing falsely on affidavit. In fact, the applicant was not found entitled as per scheme of GNCT, Delhi and observation given by inspection team. Also, as per record the applicant had not filed any application for the injury suffered by his grandson when the above mentioned application for claiming loss to property was filed in the month of March 2020.

Further, it is submitted that, relevant medical document were required to be submitted by the applicant / claimant for seeking compensation due to physical injury suffered. However, the forms for seeking compensation for such losses were not entertained if they are filed after prescribed date. In the instant case also the petitioner had admitted that he filed application on 27.08.2020 whereas, the Govt. had announced that last date for filing compensation is 25.07.2020 and application filed thereafter, will not be entertained. (The document prepared by such team w.r.t claim of applicant is annexure B)

6. That, the office of SDM Karawal Naga cannot comment as to whether applicant is entitled to claim compensation from respondent no. 1 GNCT, Delhi and Respondent no.2 Union of India in such circumstances where correct factual position is not disclose by him while making representation before the Govt. office as well as The Hon'ble Court, by way of instant petition. The Hon'ble court.

Dated
Delhi - 22-05-2021



— Sd —
Puneet Kumar Patel
Sub-Divisional Magistrate, Karawal Nagar
District North-East, GNCTD
Respondent No.3

Reader to SDM (K/N)

3. It has been pointed out that by Mr. Sameer Vashisht, ASC (Civil) for GNCTD, that the Petitioner had not furnished any proof of the alleged damage to their property during the riots in question. He further submits that the team comprising of senior officers from the Office of the concerned SDM, PWD, BSES and DJB had visited the property of the Petitioner who asserted the claims, however, in absence of any



proof of rioting, the claim of the Petitioner could not be entertained.

4. At this juncture, counsel for the Petitioner states that she would be satisfied in case the Court were to direct that the Petitioner's case be considered by the North-East Delhi Riots Claims Commission.

5. The Court is also informed that the window for filing such claims in terms of the public notices issued by the Claims Commission has since expired. However, considering the fact that it is a case relating to claim on account of riots, and the Petitioner had approached the Court in the year 2021, the Court is of the opinion that the Petitioner should be afforded an opportunity to present their case before the Claims Commission. That said, it must be observed that in light of the disputed facts that have emerged from the aforementioned status report, the Court is not inclined to entertain the present writ petition under Article 226 of the Constitution of India. It is now open for the Petitioner to substantiate their claims before the North-East Delhi Riots Claims Commission.

6. In view of the above, the present petition is disposed of with the direction that in case the Petitioner files a claim before the Claims Commission, the same shall be examined and decided as expeditiously as possible.

7. It is clarified that the fact that this Court has not entertained the present petition does not mean that the Petitioner cannot sustain their claims for the alleged loss before the North East Delhi Riots Claims Commission and prove that they, being victims of riots, are indeed entitled to grant of compensation, in accordance with law.

SANJEEV NARULA, J

JULY 19, 2024

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