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

+ **W.P.(C) 4400/2024**

SHYAM AGARWAL

..... Petitioner

Through: Mr. G.C. Pandey, Advocate.

versus

**DELHI STATE INDUSTRIAL AND INFRASTRUCTURE
DEVELOPMENT (DSIIDC) & ANR.**

..... Respondents

Through: Ms. Firdouse Qutb Wani ASC,
DSIIDC with Md.Zaryab J. Rizvi and
Mr.Waseem Ahmad, Advocates for
DSIIDC.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

09.05.2024

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1. The Petitioner has approached this Court with the following prayers:

“a. May be pleased to Issue a writ and/or order and or direction in the nature of Mandamus or any other appropriate writ against the Respondents and set aside the rejection order issued by the Respondent No.1 dated 17.12.2020 and direct respondents to convert the subject property of petitioner into freehold as expeditiously as possible against the fee already paid.

b. Impose cost on respondents for delaying the services after receiving full and final payment for conversion (Rs.42,25,668/-), which may be amount to interest @12%p.a. on paid amount for the period of delay from the date of receiving of amount till the date of conversion.



c. Pass such other and/or further Orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case to give complete relief to the Petitioner."

2. Material on record indicates that the Petitioner had approached this Court earlier by filing a writ petition being W.P.(C) 14439/2023 with the similar prayers. This Court *vide* Order dated 05.12.2023 disposed of the writ petition with a direction to the Respondents to give a copy of rejection letter to the Petitioner. It is stated that the rejected letter dated 17.12.2020 was supplied to the Petitioner.
3. A perusal of the rejection letter dated 17.12.2020 indicates that the conversion of the property in question from leasehold to freehold was not effected since the Petitioner was claiming conversion on the basis of an Agreement to Sell which was unregistered.
4. Learend Counsel appearing for the Respondent/DSI IDC, who appears on advance notice, states that the Petitioner has given a legal notice to the Respondent/DSI IDC and same has been responded to by the Respondent/DSI IDC stating that there is a change in the policy and now unregistered Agreement to Sell are being considered by the Respondent/DSI IDC.
5. It is the case of the learned Counsel for the Petitioner that the Agreement to Sell stands registered. However, the date of the registration of the Agreement to Sell is subsequent to the application filed by the Petitioner.
6. In view of the above, the Petitioner is permitted to file a fresh application before the Respondent/DSI IDC for conversion along with the registered Agreement to Sell. Liberty is also granted to the Petitioner to file



a representation before the Respondent/DSI IDC to consider the conversion on the basis of charges prevailing on the date of registration of the Agreement to Sell on which the Respondent/DSI IDC is at liberty to take a decision in accordance with law.

7. With these observations, the writ petition is disposed of, along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

MAY 9, 2024

S. Zakir