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

+ **W.P.(C) 5526/2023 & CM APPLs. 21621/2023, 21622/2023**

GY AN MANDIR SOCIETY & ANR.

..... Petitioners

Through: Mr. Pramod Gupta, Ms. Nicole Gomez, Ms. Adyanshi Kashyap, Ms. Saloni Narayan, Ms. Nandita Rathi and Ms. Neetu Pandey, Advocates.

versus

UNION OF INDIA

..... Respondent

Through: Mr. Ajay Jain, Sr. Panel Counsel with Mr. Chetanya Puri, GP and Mr. Krishna Sharma, Ms. Bijay Lakshmi, Mr. M.N. Mishra and Ms. Shivani, Advocates.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

15.01.2024

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1. The instant writ petition has been filed for a direction to the Respondent/L&DO to issue a No-Objection Certificate in favour of the Petitioner-Society for additions/alterations/regularisations in the existing school building.

2. Notice was issued in the writ petition on 01.05.2023. A counter affidavit was filed by the Respondent/L&DO. Paragraph No.14 of the said counter affidavit reads as under:

“14. It has been further mentioned that this office vide letter dated 1/6/22 has already requested to submit the

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sanctioned building plan in original or duly certified by Local Body but till date nothing can be heard. Earlier the school authority has submitted copy of sanctioned building plan (floor-wise, elevation and sectional elevation) duly approved by South Delhi Municipal Corporation. Tech section vide its note dated 25/5/22 has stated that the plan submitted by School authority is neither in original nor certified by local body hence not acceptable. Again letter dated 23.09.2022 was written to School Authority to submit the sanctioned building plan duly attested by Local Body. In response to this office letter dated 23/9/22; the school authorities has furnished the duly certified copy of completion plan and floor wise building plan. Technical wing of this office has recommended before examining the plan, inspection of premises is mandatory. An inspection was carried out on 29.11.2022 and 2 breaches had been found i.e. 2 unauthorized constructions on leased land. A breach notice dated 04.01.2023 was sent to the society to remedy the breaches. Tech. section vide its note dated 20/01/2023 has calculated the charges treated as Sr. Secondary School where as allotment is for Primary School and requested this section to fix up the crucial date from which date School will be treated as Senior Secondary School instead of Middle School.

3. This Court *vide* Order dated 20.09.2023 after noticing that charges are due and payable by the Petitioner, directed the Petitioner to approach the authorities for the purpose of quantification of charges as on 05.10.2023. In compliance of the said Order dated 20.09.2023, a demand letter dated 02.11.2023 has been filed in this Court by the Respondent/L&DO stating that a sum of Rs.10,17,21,565/- is recoverable from the Petitioner.
4. Learned Counsel for the Petitioner has handed over a letter dated 14.11.2023 submitted by the Petitioner to the Respondent/L&DO praying



for the relevant documents, notifications and orders based on which the said amount has been quantified by the Respondent/L&DO.

5. In response to the aforesaid letter dated 14.11.2023, a copy of the detailed calculation was given to the Petitioner and the same has also been handed over in Court by the learned Counsel for the Petitioner. It is stated by the learned Counsel for the Petitioner that a perusal of the said document does not reflect the basis on which the amount has been calculated by the Respondent/L&DO. He states that there are only scribblings which cannot be discerned by anyone.

6. Pursuant to the aforesaid document given by the Respondent/L&DO, the Petitioner has sent another letter dated 11.12.2023 to the Respondent/L&DO stating that the calculation given by the Respondent/L&DO is indecipherable and a year wise computation of the calculations along with reference to the relevant clause of the perpetual lease deed may be given to the Petitioner with respect to the demand letter dated 02.11.2023.

7. In view of the above, the Respondent/L&DO is directed to give the basis of the calculations to the Petitioner within a period of four weeks from today to enable the Petitioner to file a meaningful challenge to the demand in accordance with law.

8. Pursuant to the settlement of issue, the Petitioner is at liberty to approach this Court once again for grant of No-Objection Certificate.

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

10. It is made clear that this Court has not made any observations on the merits of the case or on the demand raised by the Respondent/L&DO. It is



open for the Petitioner and the Respondent/L&DO to raise all the grounds available in accordance with law while adjudication of the demand.

SUBRAMONIUM PRASAD, J

JANUARY 15, 2024

S. Zakir