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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CONT.CAS(C) 627/2022 & CM APPL. 1104/2024**

RAJESH ARORA

..... Petitioner

Through: Mr. Rajesh Arora, Petitioner in person
(Through VC)

versus

MANISH KUMAR GUPTA AND ORS

..... Respondents

Through: Ms. Mrinalini Sen, Standing Counsel
with Ms. Pooja Kapur, Adv. for
DDA.

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER
08.01.2024

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1. The present petition has been filed alleging non-compliance of the order dated 05th October, 2015 passed by this court in *W.P.(C) No. 7466/2023* and order dated 10th March, 2017 passed by this court in *CONT.CAS(C) 402/2016*.
2. By way of order dated 05th October, 2015, the following directions were passed:

“Present writ petition has been filed seeking a direction to respondent-DDA to allot the un-allotted car garages in Sector-6, Pocket-I, Dwarka, New Delhi-10075 within a time bound manner. Keeping in view the limited relief that is sought in the present writ petition and the fact that car garages have been lying vacant since 2004, this Court directs the respondent-DDA to frame a policy with regard to un-allotted car garages with regard to aforesaid Dwarka



*(SFS) flats within a period of eight weeks. The allotment shall be carried out within a further period of six weeks.
It is open to respondent-DDA to consider the option of auctioning the car garages to the residents/allottees/purchasers of the flats.
With the aforesaid directions, present writ petition stands disposed of.”*

3. Subsequently by order dated 10th March, 2017, the following directions were passed:

“Learned counsel for respondent-DDA states that now a policy with regard to allotment of scooter/car garage has been framed. Today in Court, he has handed over a photocopy of the Agenda note as well as the Minutes of Meetings of respondent-DDA held on 18th November, 2016 and 10th February, 2017. The same are taken on record.

Learned counsel for respondent-DDA assures and undertakes to this Court that the new policy shall be given effect to within three months. He also clarifies that the statement made on 27th October, 2016 was not confined to the petitioner but refers to implementation of the proposed allotment policy to the public at large.

The aforesaid statements and assurances given by learned counsel for respondent-DDA are accepted by this Court and DDA is held bound by the same.

Keeping in view the aforesaid, present contempt petition is disposed of as satisfied. However, petitioner is given liberty to seek revival of the present petition in the event the policy is not given effect to within the aforesaid stipulated period.”

4. Perusal of the aforesaid shows that the main issue involved in the present case was with respect to the policy with regard to allotment of Scooter/Car garage to be framed by the Delhi Development Authority (“DDA”). The order dated 10th March, 2017 passed by this court categorically records that the DDA has already framed a policy with regard to allotment of Scooter/Car garage as recorded in the minutes of the meeting of respondent/DDA held on 18th November, 2016 and 10th February, 2017.

5. An undertaking had been given by DDA that the new policy shall be



given effect to within three months.

6. Today, Ms. Mrinalini Sen, learned standing counsel appearing for the DDA has drawn the attention of this court to the affidavits filed on behalf of the DDA, wherein it is categorically stated that in compliance of the court's order, DDA had already issued notice for Car/Scooter garage on 12th December, 2022 and the e-auction was held on 28th December, 2022 pursuant to e-auction notice issued in that regard. The additional affidavit filed on behalf of the DDA is reproduced as under:

"3. It is submitted that in compliance of this Hon'ble High Court's orders, DDA the notice of the car/scooter garages was issued on 12.12.2022 and period of availability of application for e-auction was 26.12.2022. True copy of the Document for E-Auction (2022-23) of Vacant Car/Scooter Garages on 'as is where is basis' is produced as ANNEXURE A."

7. On the other hand, learned counsel appearing for the petitioner submits that he has filed a fresh application being *CM No.1104/2024*, wherein he has prayed for taking on record certain new documents. He submits that the said documents are necessary, in order to show that the policy is not being implemented by the DDA in letter and spirit.

8. This court records that the orders dated 05th October, 2015 and 10th March, 2017 passed by this court have been complied with by the DDA in a substantive manner in that the policy of the DDA with respect to the Car/Scooter garages is already in place. Further, the DDA has also taken the action for auctioning the car garages to the residence/allottees/purchasers of the flats.

9. In case the petitioner has any grievance with respect to the implementation of the policy by the DDA or the policy in question, the petitioner is entitled to seek his legal remedies independently.



10. In view of the aforesaid compliance by the DDA, no further orders are required to be passed in the present petition. Accordingly, the present petition is disposed of along with the pending applications.

MINI PUSHKARNA, J

JANUARY 8, 2024/kr