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

+ **W.P.(C) 6241/2019**

**SHRI SANDEEP KUMAR BHAGAT** .....Petitioner

Through: Appearance not given.

versus

**DELHI DEVELOPMENT AUTHORITY** .....Respondent

Through: Ms. Asiya Khan, Adv.

**CORAM:**

**HON'BLE MR. JUSTICE DHARMESH SHARMA**

**ORDER**

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**18.07.2024**

1. Having heard the learned counsels for the parties present and on perusal of the record, the only issue that confronts this Court is about the cost of the flat, which the petitioner should pay *qua* the allotted flat.

2. Accordingly, in terms of the order dated 03.03.2020 this Court called upon the DDA to file an additional affidavit and furnish information as to how many *mini-draws* of lots were held between April 2016 to 23<sup>rd</sup> August, 2019 and *inter alia* it was also opined by this Court that in case there was any delay on the part of the DDA in considering the name of the petitioner for allotment of the flat as per the “tail end priority”, the petitioner should not be burdened with extra cost towards escalation of allotment value.

3. In pursuance to the aforesaid directions of this Court, a short affidavit was filed on behalf of the DDA on 20.11.2020 and as per the details reflected in the tabulation *vide* paragraph (4), it is brought out that as many as six draw of lots had taken place during the aforesaid



period and draw No. 670 was held on 18.11.2016, wherein the name of the petitioner was not considered and the DDA being on wrong foot.

4. That being the position, the case of the respondent that the petitioner should pay the cost of the flat in terms of their recent calculation dated 24.09.2021 assessed after the COVID period, cannot be sustained. The cost of the flat to be borne and to be paid by the petitioner is to be ascertained by the DDA afresh as was existing on 18.11.2016.

5. Learned counsel for the petitioner states at the Bar that he has instructions to accept the cost of the flat as existing on 18.11.2016, which be ascertained in a time bound manner, and which shall be paid by the petitioner as per the time limit that be placed by the respondent/DDA.

6. In view of the foregoing discussion, the present writ petition is disposed of with directions to the respondent to ascertain the cost of the flat in MIG category against the registration No. 4709 of NPRSS<sup>1</sup>, 1979, which was existing/prevalent as on 18.11.2016 and demandable by the DDA. On ascertainment of such cost, a demand cum allotment letter be issued to the petitioner to pay the same, and the petitioner be allotted a flat in ordinary course of business within four weeks from today. Non-compliance shall entail payment of damages for each day of default recoverable from the salary of the concerned officials. Ordered accordingly.

**DHARMESH SHARMA, J.**

**JULY 18, 2024/sa**

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<sup>1</sup> New Pattern Registration Scheme, 1979