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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 473/2018 and CM APPL. Nos. 2038/2018 and 2829/2019

M/S ANAND ENTERPRISES PVT LTD

& ANR

.....Petitioners

Through: Mr. Sanjay Dewan, Senior Advocate
with Ms. Garima Verma, Advocate.

versus

DELHI DEVELOPMENT AUTHORITY

& ANR

.....Respondents

Through: Ms. Chand Chopra and Ms. Neha
Bhupathi Raju, Advocates for DDA.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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06.05.2025

1. In the present petition, petitioners have *inter alia* impugned the speaking order dated 23.11.2017 (Annexure P-1).
2. Mr. Sanjay Dewan, learned Senior Counsel appearing on behalf of the petitioners submits that misuse charges were calculated in the present case from the date of detection i.e. 06.11.1995 to the date of removal of breaches i.e. 18.01.2016 (for basement, ground floor and first floor). The misuse of mezzanine floor was taken from date of detection i.e. 06.11.1995 to the date of removal of breaches i.e. 23.03.2006.
3. He further submits that the present misuse charges have been calculated by the respondent DDA in terms of the Circular dated 15.02.2010, whereas the DDA ought to have considered the same in terms of its two subsequent circulars viz. (i) F.1 (1)/2014-Coord. (LD)/DDA/32 dated 22.04.2014 and (ii) F l(l)2014-Coord.(LD)/DDA/191 dated 04.08.2015.
4. Mr. Dewan submits that he will not press his writ petition any further in case a direction is given to the respondent DDA to consider the prayer of



the petitioners to calculate the misuse charges in accordance with the aforesaid two circulars.

5. Ms. Chand Chopra, learned counsel appearing on behalf of the respondent DDA submits that DDA will consider the case of the petitioners in accordance with the aforesaid circulars in case the same are found applicable to the petitioners' properties in question.

6. In view of the above, the petition is disposed of with a direction to the respondent DDA to consider the case of the petitioners for calculation of misuse charges in terms of the aforesaid two circulars, in case the petitioners' property is found to be covered by the same, within a period of eight weeks from today, by passing a speaking order. The speaking order so passed shall be communicated to the petitioners within a period of two weeks thereafter.

7. With the aforesaid direction, the petition stands disposed of.

8. Needless to state that the present order has been passed without prejudice to the rights and contentions of the parties. However, the petitioners shall be at liberty to approach the Court against the speaking order, if so advised.

9. Undisputedly, a *status quo* order is operating in this case with regard to the subject property and the same shall continue to operate till the speaking order is passed by the respondent DDA in terms of the present order.

VIKAS MAHAJAN, J

MAY 6, 2025/jg