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

+ **W.P.(C) 6735/2023, CM APPL. 26343/2023**

**NATIONAL COLD STORAGE AND
REFRIGERATION PVT.LTD.**

.....Petitioner

Through: **Mr. Ajoy Bhushan and Mr. Sanjay
Upadhyay, Advs.**

versus

LOKPAL OF INDIA AND ORS.

.....Respondents

Through: **Mr. Sanjay Kumar Pathak,
Standing Counsel with Mr. K. K.
Kiran Pathak, Mr. Sunil Kumar Jha,
Mr. M. S. Akhtar, Mr. Mayank
Madhu and Mr. Sami Sameer,
Advs. for LAC.**

**Mr. Vijay Joshi, Mr. Mohit Joshi
and Mr. Shubham Chaturvedi,
Advocates for UOI.**

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

16.01.2025

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1. The instant writ petition under Article 226 of the Constitution of India has been filed on behalf of the petitioner seeking the following reliefs:-

“A. Issue a writ of Certiorari quashing recovery certificate dated 31.12.2021 No. F.LAC/C/2021/495 issued by the Respondent No. 2 whereby the Respondent No. 2 has called upon the Petitioner to deposit compensation received by it for alleged excess land admeasuring 485.66 sq. mtrs;

B. Issue a writ of certiorari quashing notice dated 07.02.2022 F.No. The/Delhi Cantt./Recovery/2022/931 under Section 136 of the Delhi Land Reforms Act, 1954, issued by



the Respondent No. 2, whereby the Respondent No. 2 has illegally called upon the petitioner to deposit a sum of Rs. 3,66,61,784.9/- along with interest @ 15% per annum w.e.f. 22.12.2010 till the realization of payment;

C. Issue a Writ of Certiorari Quashing order dated 30.11.2022 in Complaint No. 37/2020 passed by the Respondent No. 1 against the Petitioner, whereby the Respondent No. 1 has directed that "excess payment / payments not due, ought to be recovered in respect of Award No. 10/LAC/N/10-11 village civil station in respect of the portion of the property / land of the petitioner acquired for the purpose of public purpose of constructing a Grade Separator at Rani Jhansi Road, Delhi;

D. Issue a Writ of Certiorari quashing Notice dated 26.04.2023 No. F.LAC/C/Recovery/2023/74-76 issued by Respondent No. 2 for recovery of Rs. 10,66,40,636/- (Rupees Ten Crore Sixty Six Lac Forty Thousand Six Hundred and Thirty Six) from the Petitioner;

E. Issue a Writ of Prohibition directing Respondent No. 1 not to pass such order(s) in future;

F. Issue a Writ of Prohibition directing Respondent No. 2 not to pass such notice(s) in future;

G. Issue such other writ or directions as are deemed just and necessary in the facts and circumstances of the case."

2. After some length of arguments, learned counsel for the petitioner, without pressing instant matter at this stage, made an innocuous prayer to give liberty to the petitioner to file a reply to the notice dated 26th April, 2023 and after receiving the said reply of the petitioner, the respondent No. 2/competent authority may be directed to take a decision in accordance with law, expeditiously. It is further prayed that no coercive action may be taken against the petitioner by the competent authority, i.e. Land



Acquisition Collector, New Delhi, till a decision is given by the competent authority

3. Mr. Sanjay Kumar Pathak, learned counsel appearing on behalf of the respondent No. 2/LAC vehemently opposed the instant writ petition, however, has no objection to the innocuous prayer made by the learned counsel for the petitioner

4. Heard learned counsel for the parties and perused the record.

5. Upon perusal of the contents of the petition, affidavit filed by the Department as well as the innocuous prayer made on behalf of the petitioner along with no-objection given on behalf of the respondent No. 2/competent authority, this Court is inclined to allow the innocuous prayer made on behalf of the petitioner.

6. Accordingly, the petitioner is directed to give a reply to the notice dated 26th April, 2023, within two weeks. After receiving the detailed reply, the competent authority is directed to take a decision in accordance with law, after hearing the petitioner and taking into consideration the contents made in the reply expeditiously, preferably within eight weeks.

7. With the aforesaid directions, the instant petition is disposed of along with pending applications, if any.

CHANDRA DHARI SINGH, J.

ANOOP KUMAR MENDIRATTA, J.

JANUARY 16, 2025/R

Click here to check corrigendum, if any