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

+ **W.P.(C) 7344/2025 and CM APPL.33020/2025 (Stay)**

VEERAPPAN & ANR.

.....Petitioners

Through: Ms. Shreya Munoth, Ms. Aswasthi Menon and Ms. Asawari Sodhi, Advocates.

versus

DELHI URBAN SHELTER IMPROVEMENT BOARD THROUGH THE CHIEF EXECUTIVE OFFICER (DUSIB) & ORS.

.....Respondents

Through: Mr. Anuj Chaturvedi and Ms. Harshita Maheshwari, Advocates for DUSIB.

Ms. Rachita Garg and Mr. Agam Rajput, Advocates for R-2/PWD.

Ms. Prabhsahay Kaur, Standing Counsel for DDA along with Ms. Harshita Rai and Ms. Kavya Shukla, Advocates for DDA.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

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26.05.2025

CM APPL.33021/2025 (Exemption)

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

W.P.(C) 7344/2025

3. The present petition assails the order dated 06.05.2025 (hereinafter '*the impugned order*') passed by the Chief Executive Officer, Delhi Urban Shelter Improvement Board (DUSIB / respondent no.1), by which, the order



dated 07.04.2025 passed by the Appellate Authority, DUSIB has been set aside and the claim of the petitioner no.2 (wife of petitioner no.1) for rehabilitation under the Delhi Slum Jhuggi Jhopri Rehabilitation and Relocation Policy, 2015 (hereinafter '*the DUSIB Policy, 2015*') has been rejected.

4. The petitioners claim to be residents of the 'Madrasi Camp' *jhuggi jhopri basti*, Jangpura (hereinafter '*Madrasi Camp*') which is a protected *basti* under the Delhi Urban Shelter Improvement Board Act, 2010 (DUSIB Act).

5. The petitioners had sought for rehabilitation / allotment of alternative dwelling unit under the DUSIB Policy, 2015 against the Joint Survey No. SS 34/37. *Vide* communication dated 27.11.2024 issued by the Eligibility Determination Committee (EDC), the petitioners were declared ineligible for rehabilitation under the DUSIB Policy, 2015 on account of the fact that the petitioners had "failed to produce any of the 12 prescribed documents issued in the name of the applicant or spouse prior to 01.01.2015".

6. Aggrieved by the said decision, petitioner no.2 (wife of petitioner no.1) filed an appeal before the Appellate Authority, DUSIB. *Vide* order dated 07.04.2025 passed by the Appellate Authority, DUSIB, the said appeal came to be allowed and the petitioner no.2 was found eligible for rehabilitation under the DUSIB Policy, 2015 on account her producing the electricity bill with energisation date of 25.02.2012, being one of the prescribed documents in terms of the DUSIB Policy, 2015. The relevant portion of the order dated 07.04.2025 reads as under –

"The appeal was heard by the Appellate Authority. Appellant has now produced electricity bill with energisation date 25.02.2012 as one of the 12 prescribed document.



Hence the appeal is accepted and she is declared eligible, subject to verification of electricity bill.”

7. Thereafter, the said order dated 07.04.2025 passed by the Appellate Authority came to be placed before the CEO, DUSIB (respondent no.1) in terms of Para 3(vi) of Part B of the DUSIB Policy, 2015. *Vide* impugned order dated 06.05.2025, the respondent no.1 proceeded to set aside the order dated 07.04.2025 on the ground that the electricity connection, with respect to which the electricity bill was produced before the Appellate Authority for claiming eligibility for rehabilitation under the DUSIB Policy, 2015, was found to have been disconnected on 19.03.2017. The operative portion of the said order reads as under –

“5. I have carefully gone through the orders of Appellate Authority dated 07.04.2025, material on record and the extant policy guidelines. Accordingly, the following is observed:

5 (i) Appeal was accepted subject to verification of Electricity bill produced by applicant. As per verification report dated 25.04.2025 the electricity connection was disconnected on 19.03.2017.

“As per clause 1 (vi) part-B of policy dated 11.12.2017, "Jhuggi Jhopri dweller must possess any one of the 12 documents issued before 01.01.2015”.

6. Thus, it is clear that the said appeal was decided in favour of the Appellant/Claimant which is a clear violation of the clause 1(vi) part-B of the Relocation Policy-2015 and the Appellate Authority ignored the eligibility criteria for allotment of alternative dwelling unit.

Hence, the order of the Appellate Authority dated 07.04.2025 is set aside and the claim of the appellant/claimant is rejected.”

8. Learned counsel for the petitioner submits that apart from the aforesaid electricity bill, the petitioners are also in possession of certain other documents such as Aadhar Card issued on 22.11.2011 in favour of the petitioner no.1 [appended as Annexure P-17] and an Electoral Photo Identity Card issued on 01.12.2005 in favour of the petitioner no.1 [appended as



Annexure P-18] which were not even considered by the Appellate Authority or the CEO, DUSIB while considering the case of the petitioner for eligibility under the DUSIB Policy 2015.

9. Issue notice.

10. Learned counsel, as aforesaid, accept notice on behalf of the respondents.

11. In the present case, the Appellate Authority has observed in the order dated 07.04.2025 that the electricity bill with date of energisation as 25.02.2012 qualifies as one of the 12 documents prescribed under the DUSIB Policy, 2015 for claiming rehabilitation thereunder. Consequently, the petitioner no.2 was found eligible for rehabilitation under the DUSIB Policy, 2015 by the Appellate Authority.

12. The CEO, DUSIB (respondent no.1) has proceeded to set aside the order dated 07.04.2025 passed by the Appellate Authority only on the basis that the electricity connection of the petitioners was found to have been disconnected on 19.03.2017. However, the relevant provisions of the policy [Paragraph 2 of Part B of the DUSIB Policy, 2015¹] only contemplate that a person claiming rehabilitation shall possess any of the 12 documents enlisted therein, issued prior to the cut-off date (i.e. 01.01.2015). The said requirement was evidently satisfied in the present case. The aspect of disconnection of the said electricity connection on 19.03.2017, and the

¹ 2. As envisaged in Para 1 (vi) above, the JJ dweller must possess any one of the following documents issued before 01.01.2015 to become eligible for the purpose of allotment of dwelling unit:

- (i) Passport;
- (ii) Ration Card with photograph;
- (iii) electricity bill;
- (iv) Driving license;
- (v) Identity Card Card/Smart Card with photograph issued by State/Central Government and/or its Autonomous Bodies/Agencies like PSU/Local Bodies (except EPIC);



consequence thereof, ought to have been considered and dealt with by the Appellate Authority. Besides, the petitioner is in possession of other documents as well (as noted hereinabove) which were not taken note of by the Appellate Authority.

13. This Court has also taken a *prima facie* view *vide* order dated 20.05.2025 in W.P.(C) 6746/2025 that it is not for the CEO, DUSIB to upset a quasi-judicial determination by the Appellate Authority which is specially constituted under Paragraph 3 of Part B of the DUSIB Policy, 2015 for the purpose of determining eligibility for allotment of alternate dwelling unit for rehabilitation and relocation under the DUSIB Policy, 2015.

14. In the circumstances, the impugned order dated 06.05.2025 is set aside.

15. Considering the categorical submissions of the learned counsel for the petitioners that the petitioners were in possession of various documents, rendering them eligible for rehabilitation under the DUSIB Policy, 2015, the matter is remanded to the Appellate Authority for re-assessing the eligibility of the petitioners.

16. In case, the petitioners are able to produce the requisite documents and in case the Appellate Authority is satisfied with the veracity and genuineness thereof, an appropriate decision be taken by the Appellate Authority, DUSIB.

17. Let the proceedings before the Appellate Authority be completed within a period of two weeks.

18. In case the Appellate Authority finds the petitioners are eligible for rehabilitation under the DUSIB Policy 2015, the petitioners shall necessarily be entitled to the same benefits which are being afforded to all the other



beneficiaries under DUSIB Policy, 2015.

19. The present petition is disposed of in the above terms. Pending application is also disposed of.

SACHIN DATTA, J

MAY 26, 2025