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

+ **W.P.(C) 9306/2025**

AJAY KUMAR & ORS.

.....Petitioners

Through: Mr. Prashant Mehra, Mr. Sumit Kumar Jha, Mr. Diwas Kumar, Mr. Shraveen Kr. Verma and Mr. Devashish Shandiliya, Advs.

versus

DELHI DEVELOPMENT AUTHORITY

.....Respondent

Through: Mr. R.K. Dhawan, SC for DDA with Ms. Nisha Dhawan and Mr. V.K. Teng, Advs.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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18.09.2025

CM APPL. 57915/2025 (exemption)

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

CM APPL. 57849/2025 (early hearing)

3. The present application has been filed by the petitioners seeking early hearing of the petition.
4. In the application, petitioners has alleged that during the pendency of the present petition, a circular dated 09.09.2025 has been issued by the DDA notifying the launch of *DDA Jan Sadharan Awaas Yojana 2025 (FCFS)* for sale of EWS Flats in various localities of Delhi including the locality of Sector 14, Dwarka, Delhi.
5. It is urged by Mr. Prashant Mehra, learned counsel appearing on behalf of the petitioners that in case petitioners' application for stay is not heard at an early date, the petition itself will become infructuous wherein the



petitioners has sought direction to the respondent/DDA to reserve and earmark 50% of the remaining EWS housing stock constructed in Towers G and H of Pocket 5, Sector 14, Dwarka.

6. Having regard to the urgency articulated by Mr. Mehra, the present application is allowed.

7. The application stands disposed of.

W.P.(C) 9306/2025 & CM APPL 39347/2025 (for stay)

8. In view of the urgency stated above, the petition, along with the captioned application, is taken up for consideration with the consent of the parties.

9. The case set out in the present petition is that the petitioners are *bona fide* residents and successful allottees of Middle-Income Group (hereinafter referred as “MIG”) flats situated in Pocket 5, Sector 14, Dwarka, New Delhi, allotted under the *Diwali Special Housing Scheme, 2023*, which was launched and notified by the respondent/DDA vide Public Notice dated 19.11.2023 [Annexure P-1].

10. The DDA had constructed a total of 1,640 dwelling units under the MIG (316 flats), LIG (316) and EWS (1008) categories – with Towers A to F earmarked for MIG and LIG units, and dedicated Towers G and H were constructed exclusively for EWS housing at Pocket 5, Sector 14, Dwarka.

11. The DDA proceeded to allot the same to the public under two Schemes, firstly, the *Diwali Special Housing Scheme, 2023 (Mode of disposal: e-auction)* and secondly, the *Diwali Special Housing Scheme, 2023 (Mode of disposal: First Come First Serve Basis)*, both dated 19.11.2023.

12. It is further stated by the petitioners that the legal framework governing such group housing projects is encapsulated in the binding



Notifications dated 13.04.2013 (S.O. 1215(E)) and 23.09.2013 (S.O. Nos.2889(E) & 2895(E)), issued by the Ministry of Urban Development (Delhi Division) [Annexure P-3 to P-5]. These require that a minimum of 15% of the permissible Floor Area Ratio (FAR) in group housing be reserved for EWS housing, and further mandated that 50% of the EWS stock be retained by the Developer Entity (DE) to be offered exclusively to apartment owners for housing Community Service Personnel (CSPs), while the balance 50% may be disposed of by DDA/local authorities for general allotment on *First Come First Serve Basis*.

13. It is the case of the petitioners that the respondent/DDA has acted contrary to the above statutory mandate, by issuing the aforesaid public notices dated 19.11.2023 for the allotment of the entire inventory of 1008 EWS flats in Sector 14 locality under the *First Come First Serve Basis* mechanism, without reserving or offering the mandated 50% quota for CSP-linked use to existing MIG apartment owners.

14. In the aforesaid factual backdrop, the present petition has been filed by the petitioners seeking following relief:

“a) Issue an appropriate writ, order or direction in the nature of Mandamus, thereby directing the Respondent to reserve and earmark 50% of the remaining Economically Weaker Section (EWS) housing stock constructed in Towers G and H of Pocket 5, Sector 14, Dwarka, exclusively for allotment to the Middle Income Group (MIG) apartment allottees for housing their Community Service Personnel (CSP), in conformity with the binding Notifications dated 13.04.2013 and 23.09.2013 issued by the Ministry of Urban Development (Delhi Division), and in strict parity with the policy adopted by the Respondent in Sector 19B, Dwarka through Circular No.



F/1/0017/2025/CORD/-O/o DD (Coordination)/2674 dated 10.03.2025 and Circular No. F/1/0017/2025/CORD/-O/o DD (Coordination)/2713 dated 27.03.2025; and/or;

b) Issue an appropriate writ, order or direction in the nature of Certiorari or any other appropriate writ or order thereby quashing and setting aside any allotment process undertaken by the Respondent for the EWS flats in Pocket 5, Sector 14, Dwarka, to the extent it contravenes the statutory mandate requiring reservation of 50% of the EWS housing stock for CSP accommodation for the benefit of the apartment allottees, and/or;

c) Direct the Respondent to frame and implement a specific scheme or mechanism, on terms no less beneficial than the “DDA Dwarka Community Service Personnel (CSP) Housing Scheme, 2025” introduced for Sector 19B, Dwarka, for offering the reserved EWS flats in Sector 14, Dwarka to the Petitioners and similarly situated apartment owners for CSP use, through an appropriate process such as e-auction or any other fair and transparent mechanism consistent with statutory and policy requirements, and/or;”
(emphasis supplied)

15. Notice has not yet been issued in the present matter.

16. The petition was first listed on 08.07.2025, when Mr. R.K. Dhawan, learned Standing Counsel for the respondent/DDA, appearing on advance notice had pointed out that the controversy involved in the present petition is also subject matter of another petition being W.P.(C) 7050/2024.

17. To buttress his contention Mr. Dhawan had invited attention of the Court to the order dated 08.01.2025 passed by the Coordinate Bench of this Court in the said petition.

18. The learned counsel appearing on behalf of the petitioners, on 08.07.2025, had prayed for time to place on record status of the said writ petition before the next date of hearing. Incidentally, the petitioners have not



brought on record the status of the said writ petition.

19. On the other hand, an application being CM APPL. 57849/2025 has been filed seeking early hearing which has been allowed hereinabove.

20. Mr. Mehra contends that in the present petition, the petitioners is *inter- alia* seeking parity with the apartment owners of Golf View Condo who have been offered 364 EWS/CSP flats in Tower M of Sector 19B, Dwarka through “*DDA Dwarka Community Service Personnel (CSP) Housing Scheme, 2025*”, notified *vide* circular dated 10.03.2025.

21. He submits that as per the circular dated 10.03.2025 [Annexure P-7], only the legal owners of HIG, Super HIG and Penthouse flats in Golf View Condo, Sector 19B, are eligible for availing the benefits of the said scheme. He contends that similar benefit ought to be extended to the owners of MIG Flats like petitioners who were also allotted flats under the same *Diwali Special Housing Scheme 2023*.

22. He submits that the aforesaid circular dated 10.03.2025 and 27.03.2025 [Annexure P-9] came to be issued by the DDA to formally operationalise the judgment dated 23.01.2025 passed in ***W.P.(C) 1607/2024*** titled as ***Vikram Singh Gahlot & Ors. vs. DDA & Ors.*** wherein the DDA had voluntarily stated before a Coordinate Bench of this Court that of the 728 EWS Flats, only 364 (Tower L) would be allotted under the scheme of *First Come First Serve Basis* and the remaining 369 EWS Flats (Tower M) would be exclusively offered to HIG, Super HIG, Penthouses owners through e-auction at market rates for CSP use.

23. He submits that once such a stand has been taken by the DDA in favour of the HIG, Super HIG, and Penthouse owners, there is no reason for the DDA to deprive the MIG Flat owners like petitioners, from allotment of



EWS flats, when they were also allotted their MIG flats under the same *Diwali Special Housing Scheme 2023*.

24. On the other hand, Mr. R.K. Dhawan, learned Standing Counsel appearing on behalf of respondent/DDA has stated that the controversy involved in the present petition is same as the one in earlier writ petition being W.P.(C) 7050/2024. He submits that the petitioners in the present petition are also almost same as the petitioners in W.P. (C) 7050/2024. He, therefore, contends that the present writ petition claiming similar relief is not maintainable.

25. Mr. Dhawan further contends that the aspect of parity has already been considered in the said writ petition¹ *vide* order dated 08.01.2025, and plea of the petitioners in that behalf was rejected.

26. Though the petitioners have not placed on record a copy of the petition in W.P.(C) 7050/2024, nor the status of the same has been placed before this Court despite the learned counsel for the petitioners having undertaken to do so on 08.07.2025. However, on perusal of order dated 08.01.2025, this Court finds that the relief sought in the present petition is essentially the same as has been claimed in W.P.(C) 7050/2024 *viz.*, pre-emptive right of allotment of EWS dwelling units, being the allottees and owners of MIG flats under the *Diwali Special Housing Scheme 2023*. This is clearly borne out from para 4 of the order dated 08.01.2025 passed in the said petition, which reads thus:

“4. The case set up against the DDA by the non-applicants / petitioners, being the successful bidders and allottees of the MIG and LIG dwelling units, is that without offering 50% of the EWS dwelling units to them, as stipulated in

¹ W.P. (C) 7050/2024



notifications dated 13.04.2013 and 23.09.2013 issued by the Ministry of Urban Development (Delhi Division), the DDA has arbitrarily invited online applications for the allotment of 100% of the EWS housing stock in open market on “first-come-first-serve basis”. It is contended that the DDA has constructed the said Group Housing in the capacity of the “DE” as well as the “local body”. Hence, the present writ petition came to be filed before this Court inter alia seeking quashing of the Diwali Special Housing Scheme, 2023 (First Come First Serve Basis) to the extent of illegal invitation for allotment of 50% of the EWS housing stock on first come first serve basis.”

(emphasis supplied)

27. Furthermore, in the order dated 08.01.2025², Coordinate Bench of this Court had also dealt with the petitioners’ plea claiming parity with the Flat owners of HIG, Super HIG and Penthouses who had filed W.P.(C) 1607/2024, in which the DDA had made concession for the said categories and subsequently issued circular dated 10.03.2025 offering 364 EWS/CSP flats to them. The Court rejected the said plea on the ground that allottees of MIG and LIG cannot claim right over EWS housing stock like allottees of HIG, Super HIG and Penthouses, as they are premium segments. The relevant observations read thus:

“16. Be that as it may, the plea of the non-applicants/petitioners, who are allottees of MIG and LIG flats, that 50% of the EWS housing stock be reserved for them is misplaced as such a provision is extendable to housing schemes which are in premium segments having flats of the categories of Penthouses (5 BHK), Super HIG (4 BHK) and HIG (3 BHK) with different earmarked areas much larger than what is provided in the case of MIG and LIG Flats.

² Passed in W.P. (C) 7050/2024



17. It is in the aforesaid background that one has to consider the order dated 06.02.2024 passed in W.P.(C) 1607/2024 which pertains to Sector-19B Dwarka, where the housing scheme is with regard to premium segments.

18. In view of the aforesaid discussion, this Court *prima facie* finds that the **non-applicants/petitioners have no legal right to demand that 50% of the EWS Housing stock of 1,008 dwelling units at Sector-14, Dwarka be specifically kept for allotment to them, being the apartment holders of MIG and LIG categories in Sector-14, Dwarka.**

xxx xxx xxx

20. Under the aforesaid circumstances, the present application moved by the applicant/DDA is allowed and the interim order dated 16.05.2024 is hereby vacated.”

(emphasis supplied)

28. In view of the above discussion, this Court finds that since, in the present petition, the petitioners are essentially claiming the same relief as claimed in W.P.(C) 7050/2024, and further since admittedly, the petitioners in the present petition are also the same as in W.P. (C) 7050/2024, the present petition is not maintainable. Even the ground of parity, that has been articulated on behalf of the petitioners while urging the Court to grant an interim relief, has also been dealt with and rejected by the Coordinate Bench of this Court in order dated 08.01.2025 passed in W.P.(C) 7050/2024, while vacating the stay which was initially granted to the petitioners in the said petition.

29. The petitioners have claimed that there are subsequent developments like issuance of circulars dated 10.03.2025 [Annexure P-7] and 27.03.2025 [Annexure P-9], which has necessitated filing of present petition. This Court finds that it is the petitioners' own case that said circulars came to be issued by the DDA to formally operationalise the judgment in **Vikram Singh**



Gahlot (supra). In fact, the Coordinate Bench while recording its findings in order dated 08.01.2025³ has distinguished the issue involved in W.P.(C) 1607/2024 from the case of the petitioners.

30. In case the petitioners were aggrieved with the *prima facie* findings recorded in order dated 08.01.2025, the appropriate course for the petitioners would have been to challenge the said order, instead of filing the present substantive petition to claim similar interim relief which was denied *vide* order dated 08.01.2025 (supra) after considering all aspects of the matter.

31. In view of the above discussion, the petition alongwith pending application is dismissed *in limine*.

32. The date already fixed i.e. 23.09.2025 stands cancelled.

VIKAS MAHAJAN, J

SEPTEMBER 18, 2025

N.S. ASWAL

³ Passed in W.P. (C) 7050/2024