



2025:DHC:112



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

Date of Decision: 08.01.2025

+ **W.P.(C) 308/2020, CM APPL. 904/2020**

SHARMA SALES CORPORATION AND ORS.Petitioners

Through: Mr. A. Maitri, Ms. Radhika
Chandrasekhar, Advocates

versus

DELHI STATE INDUSTRIAL AND INFRASTRUCTURE DEV.
CORP. LTD. (DSIIDC)Respondent

Through: Mr. Anuj Chaturvedi, Advocate

CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU

TARA VITASTA GANJU, J.: (Oral)

1. The present Petition has been filed *inter alia* seeking the following prayers:

“(i) To quash the Respondent's letters no. DSIIDC/RL/Apl. No. 9487/2019/2266 dated 07.08.2019 and letter no. DSIIDC/RL/Apl. No. 9487/2019/809 dated 06.11.2019 and to direct the Respondent/DSIIDC to handover the possession of the plot No. 464 (150 sq. mtr) in Sector - H at Bawana – II (Bhorgarh) to the Petitioner Firm.”

2. The grievance of the Petitioners is that although the Petitioners have deposited the entire payment for the possession of an industrial plot No. 464 (150 sq. mt.) in Sector-H at Bawana-II [hereinafter referred to as “subject property”], the possession has not been handed over by the Respondent.

3. Learned Counsel appearing on behalf of the Petitioners submits that the Petitioner No. 1 was originally a partnership firm comprising of two partners i.e., Shri Ami Chand Sharma [father] and Mr. Mahesh Kumar Sharma [son]. He seeks to rely upon a Partnership Deed dated 12.07.1974 in



2025:DHC:112



this regard.

3.1 It is contended that thereafter one of the partners Shri Ami Chand Sharma] died and the partnership continued with Mr. Mahesh Kumar Sharma, who was the original partner and Mr. Manish Sharma, grandson of Shri Ami Chand Sharma.

3.2 Learned Counsel appearing on behalf of the Petitioners submits that the Respondent is, however, asking the Petitioners for the submission of an NOC, duly probated will and other documents, which is not the requirement of law.

4. Learned Counsel appearing on behalf of the Respondent submits that it is settled law that in a partnership of two partners, once one partner dies, the partnership has to be reconstituted and a fresh partnership deed is to be executed. This document has, however, not been produced before the Respondent authority.

4.1 Learned Counsel appearing on behalf of the Respondent, on instructions, further submits that once these documents are produced, the Respondent can take further steps to hand over the possession of the subject property to the Petitioners.

5. Learned Counsel appearing on behalf of the Petitioners submits that he will take appropriate steps and produce all relevant documents before the Respondent authority within the next four weeks.

6. One of the contentions that has been raised by the learned Counsel appearing on behalf of the Petitioners is that the Respondent, by its letter dated 07.08.2019, is asking for an NOC from all legal heirs of Shri A.C Sharma, one of the partners of the Petitioner No. 1 firm.

7. Learned Counsel appearing on behalf of the Respondent fairly



2025:DHC:112



submits that if the reconstituted partnership deed is provided, the requirement of an NOC will not arise.

8. In view of the above, the Petition is disposed of with the following directions:

(i) The Petitioners shall produce the reconstituted partnership deed along with any other documents, if deems necessary, before the Respondent authority, within a period of four weeks from today.

(ii) The Respondent shall examine these documents and pass an appropriate order in terms thereof. In the event that the Respondent requires any additional documents, the Petitioners shall be asked to produce the same.

(iii) For this purpose, the Petitioner and/or his authorized representative will be given an opportunity to be present for a hearing before Respondent.

(iv) The Petitioner is permitted to produce any additional facts or documents in support of their contentions, at the time of the hearing before the concerned Authority.

(v) The entire exercise will be concluded by the Respondent within 12 weeks from today.

9. The Petition is disposed of in the foregoing terms. Pending Application stands closed.

10. Needless to state that in the event that the Petitioners are aggrieved by the order passed by the Respondent, liberty is granted to them to take appropriate steps *albeit* in accordance with the law.

11. Parties will act based on the digitally signed copy of the order.

TARA VITASTA GANJU, J

JANUARY 8, 2025/g.joshi

[Click here to check corrigendum, if any](#)