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

+ **CONT.CAS(C) 1639/2024**

ANIL KUMAR BAJAJ & ANR.

.....Petitioner

Through: Ms. Sonia A. Menon, Adv.

versus

SUBHASISH PANDA & ORS.

.....Respondent

Through: Mr. Sanjay Katyal, SC with Ms.
Kitika Bansal, Adv. along with Ms.
Kiran Rawat, Director, DDA.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

14.05.2025

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1. Pursuant to previous order, *Ms. Kiran Rawat*, Director (CL), is present in Court and hands up an order dated 13th May 2025. The said order is a revision of the previous order dated 07th May 2025, which had been noticed in the Court's order dated 08th May 2025.
2. Present order of 13th May 2025, issued by *Ms. Kiran Rawat*, yet again rejects the representation and request of petitioner for refund of Unearned Increase (UEI) on the basis that the judgment passed by this Court in ***Sushil Kumar Goel v. DDA*** 2011:DHC:3505, where the decisions was in favour of similarly placed petitioners; when the matter went to the Supreme Court in ***Special Leave to Appeal (Civil) No.10390/2012***, it resulted in an observation that the '*question of law remains open and the order shall not be treated as a precedent*'.
3. Accordingly, the position taken by *Ms. Kiran Rawat* for the Delhi



Development Authority (**'DDA'**) is that they have applied their policy in rejecting the representation of the petitioner and are not bound to apply the decisions in ***Sushil Kumar Goel v. DDA (supra)***, considering they were passed in *personam*.

4. *Ms. Sonia A. Menon*, counsel for petitioner, seeks liberty to approach the Writ Court in this regard to secure appropriate directions.

5. It has been noted that these orders of rejection have been passed despite directions having been issued by this Court on 08th November 2023 granting six weeks' time to the DDA to dispose of the representation.

6. This conduct of DDA and the officers in question is not appreciated, considering that more 1.5 years have passed and petitioner is now being served with a rejection despite personal hearings in the matter. The first personal hearing was granted was on 15th April 2024, almost six months after the order has been passed by this Court.

7. Counsel for the petitioner is at liberty to bring this to the notice of the Writ Court, as and when a petition is filed in this regard.

8. The petition is, therefore, disposed of.

9. Liberty granted to the petitioner in this regard.

10. The date already fixed stands cancelled.

11. Order be uploaded on the website of this Court.

ANISH DAYAL, J

MAY 14, 2025/MK/tk