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

+ **Date of Decision: 27th January, 2025**

% **LPA 40/2025 & CM APPL. 2695/2025**

OCEAN PLASTICS AND FIBERS P LIMITEDAppellant

Through: Mr. Anshuman Ashok and
Mr. Nitin Gaur, Advocates.

versus

DELHI DEVELOPMENT AUTHORITY AND ANR.....Respondents

Through: Ms. Prabhsahay Kaur, Standing
Counsel with Ms. Palak Mathur,
Advocate.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

DEVENDRA KUMAR UPADHYAYA, CJ (ORAL)

1. Heard Mr. Anshuman Ashok, the learned counsel representing the appellant and Ms. Prabhsahay Kaur, the learned counsel representing the Delhi Development Authority (hereafter 'DDA').
2. This Letters Patent Appeal questions the validity of the judgment dated 19th November, 2024 passed by the learned Single Judge in WP(C) No.176/2020 whereby the prayer made in the writ petition by the appellant/petitioner was not acceded to and the writ petition was dismissed.
3. It has been argued on behalf of the learned counsel for the appellant that in terms of the policy for restoration of determined leases though the appellant/petitioner was entitled to be given the benefits of the said policy however, the DDA has wrongly denied the said benefits. It has also been argued that it is not only that the appellant/petitioner has wrongly been



denied the benefits of the policy, but such denial amounts to discriminatory treatment meted out to the appellant/petitioner inasmuch as the only reason assigned by the DDA not to permit restoration of the lease of the appellant/petitioner is that the possession of the land on determination of the lease was taken over by the DDA, however, in cases where those leases were determined and possession was not handed over, restoration has been permitted, whereas in case of appellant/petitioner, restoration has not been permitted though the appellant/petitioner is also entitled for restoration of his determined lease. The submission, thus, is that denial only on the count that possession was taken, is impermissible for the reason that on the said basis no discrimination can be legally permitted.

4. It has further been argued on behalf of the appellant/petitioner that the policy in terms of which the appellant/petitioner has been claiming restoration of the determined lease does not create any such distinction that benefit of restoration shall be available only in cases where after determination of lease, possession has not been taken over.

5. Vehemently opposing the prayer made by learned counsel representing the appellant/petitioner, Ms. Prabhsahay Kaur, the learned counsel representing the DDA has argued that the lease in case of the appellant/petitioner was determined way back in the year 2005, however, even after determination of the lease since the appellant/petitioner did not vacate the land, appropriate proceedings were drawn against the appellant/petitioner under the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (hereafter 'the Act, 1971') and it is only under the order passed by the Prescribed Authority under the said act, that the



respondent/ DDA took over the possession.

6. It is her submission further that permitting restoration of such a lease determined way back in the year 2005, in respect of which the possession of the land was taken over by the DDA in the year 2016 and applying the Scheme to grant the benefit of restoration to the appellant/petitioner, will run contrary to the very object of the policy.

7. The learned counsel representing the DDA has thus supported the findings returned by the learned Single Judge wherein it has been opined that the policy apparently will not be applicable in the case of the appellant/petitioner for the reason that pursuant to determination of the lease, possession was taken over by the DDA.

8. Having considered the respective submissions made by the learned counsel representing the parties and having perused the records available before us, we find ourselves unable to agree with the submission made by the learned counsel representing the appellant/petitioner.

9. The very purpose of the policy under which the appellant/petitioner is attempting to seek benefits is not to deprive the DDA of its properties, rather the purpose was to permit one chance to those leaseholders whose leases were determined on account of some irregularities. In our considered opinion, by promulgating the said policy only a chance was given to the leaseholders to get those irregularities regularised. However, it would not stretch to the extent of depriving the DDA of its properties in a situation where the lease was determined way back in the year 2005 and for taking over possession of the land, proceedings were instituted under the Act, 1971 and it is only thereafter that possession could be ensured to DDA in the year



2016.

10. Though the policy as discussed by the learned Single Judge does not specifically spell out that its benefit will be available only to those leaseholders whose leases have been determined and possession has not been handed over, however applying the said policy in the context of the facts of the present case, we are of the opinion that the issue relating to handing over the possession in this particular case assumed importance for the purposes of extending the benefits of the policy for restoration of lease for the reason already spelt out above.

11. Though DDA is a statutory public body, however, in the matters relating to disposal of landed properties etc., or settling third party rights in the property belonging to DDA, the commercial interests of the authority cannot be overlooked. In such view of the matter as well, permitting restoration of the lease deed which was determined way back in the year 2005 and possession was also taken over in the year 2016, would rather run contrary to the very object of the policy itself.

12. For the reasons assigned above, the instant Letters Patent Appeal lacks merits, which is hereby dismissed. Pending application is also disposed of.

13. No orders as to costs.

DEVENDRA KUMAR UPADHYAYA, CJ

TUSHAR RAO GEDELA, J

JANUARY 27, 2025/mk