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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 1072/2018**
RAJ KUMAR MEHTA

.....Petitioner

Through: Mr. Udaibir Singh Kochar, Ms.
Samvartika Pathak, Mr. Utsav Garg and Mr.
Pushkar Khanna, Advs.

versus

DELHI DEVELOPMENT AUTHORITY

.....Respondent

Through: Mr. Arun Birbal Advocate

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+ **W.P.(C) 1077/2018**
DESH RAJ GANDHI

.....Petitioner

Through:

versus

DELHI DEVELOPMENT AUTHORITY

.....Respondent

Through: Mr. Arun Birbal Advocate

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

24.02.2026

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1. These are writ petitions filed under Article 226 of the Constitution of India seeking the following respective prayers:-

W.P.(C) 1072/2018

“a) pass a writ, order or direction in the nature of a writ of declaration, declaring the act of the Respondent Authority



in raising a disproportionate demand of unearned increase from the Petitioner as being arbitrary, illegal and void;

b) pass a writ, order or direction in the nature of certiorari, quashing the disproportionate demand of unearned increase vide letter dated 13.02.2007 in respect of Plot No. 182, Pocket -I, PVC Bazaar, Tikri Kalan, Delhi;

c) pass a writ, order or direction in the nature of a writ of declaration thereby declaring the act of the Respondent in not deciding upon various communications made by the Petitioner seeking withdrawal of the disproportionate demand as being arbitrary, illegal and unjustified;...”

2. The connected matter in W.P.(C) 1077/2018 is seeking identical prayers with respect to another property bearing Plot No. 159, Pocket-1, PVC Bazaar, Tikri Kalan, Delhi.
3. It is stated that the petitioners in the present case are squarely covered by the judgment of this Court in W.P.(C) 4151/2013 as the case of the petitioners is identical to those adjudicated in this judgment.
4. The brief facts in W.P.(C) 1072/2018 are that the respondent floated a scheme for allotment of commercial plots for the persons to be shifted from Jwala Puri PVC Market to PVC Bazaar, Tikri Kalan, Delhi. Mr. Suresh Kumar applied for allotment under the said scheme and was consequently allotted a plot bearing No. 182, pocket-I, PVC Bazaar, Tikri Kalan vide order dated 27.09.1996. Mr. Suresh Kumar mortgaged the plot to DFC to raise money for payment of premium for the said allotment. Thereafter, due to non-payment of dues, the Delhi Financial Corporation (“**DFC**”) took over possession of the



said plot and then conducted auction of the property declaring the petitioner as the highest bidder. The physical possession of the said plot was handed over *vide* letter dated 17.06.2005.

5. The respondent issued a letter dated 13.02.2007 demanding payment of unearned increase of Rs. 7,70,745/- in addition to the ground rent for effecting the transfer of the said plot. The demand was raised based on the rates of commercial plot of a fully developed complex situated in Narela, whereas the subject plot is situated in a different location at Tikri Kalan.
6. Some of the auction purchasers then filed writ petitions wherein the demand was quashed. However, the respondent was issued fresh demands of unearned increase. The petitioner made several representations to the respondent to issue fresh demand of unearned increase in terms of the directions made by the Court in writ petitions already adjudicated, but to no avail. Hence the present petition.
7. The Coordinate Bench in W.P.(C) 4151/2013 has dealt with this aspect in paragraph No. 26, which reads as under:

“26. Consequently, this Court is of the opinion that in the alternative if present writ petitions are assumed to have been filed at belated stage and are not entertained, it would lead to iniquitous and absurd result as well as cause confusion, inconvenience and bring in injustice inasmuch as owners of adjoining similar properties who had purchased similar plots in the same auction would pay 'X' as unearned increase, whereas petitioners being neighbours of the said properties would pay '4X' as unearned increase.”



8. Applying the same analogy as above, the parties are agreeable that the case of the petitioners factually similarly situated as the aforesaid judgment except an objection by the respondent that the filing of the petitions is barred by delay and laches as they were filed at a belated stage in 2018.
9. I am of the view that the cases of the petitioners are covered by the aforesaid judgment. Accordingly, the paragraph No. 33 of the aforesaid judgment applies to the present case of the petitioners as well, which reads as under:-

“33. Consequently, as the petitioners are identically placed to the petitioners who had filed W.P.(C) 7646/2008, present writ petitions are allowed and the demand of unearned increase as intimated to the petitioners are quashed. Respondent-DDA is directed to raise fresh demands on the petitioners for unearned increase on the basis of the difference between the premium received at the time of allotment and the price paid by each of the petitioners in the auction held by Delhi Financial Corporation. It is clarified that respondent-DDA shall be entitled to claim interest on the unearned increase so found due from the date of original demand till payment of unearned increase by the petitioners. With the aforesaid directions, present batch of writ petitions stands disposed of.”

10. Accordingly, as allowed in WP(C) 4151/2013, the respondent/DDA is directed to raise fresh demand on the petitioners for unearned increase on the basis of the difference between the premium received at the time of allotment and the price paid by each of the petitioners in the



auction held by DFC. Additionally, the respondent/DDA shall be entitled to claim interest on the unearned increase so found due from the original demand, in payment of unearned increase by the petitioners.

11. The present petitions are disposed of in the aforesaid terms, alongwith pending applications, if any.

FEBRUARY 24, 2026 / (MS)

JASMEET SINGH, J