



\$~11

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

+ **W.P.(C) 4748/2011 & CM APPL. 9614/2011**

SIMARPREET SINGH

.....Petitioner

Through: Mr. Dhanesh Relan, Ms. Sonika
Singh, Advs.

versus

UOI AND ANR

.....Respondents

Through: Mr. Arjun Pant, Sr. Standing Counsel
with Mr. Anuj Chaturvedi, Ms.
Yashita Jain, Advs.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

24.02.2026

%

1. This is a writ petition filed under Article 226 of the Constitution of India seeking the following prayers :-

“I. To set aside and quash the impugned demand notice dated 20.04.2011 demanding a sum of Rs. 1,59,96,017.00 as miscellaneous charges without any further details.

II. To issue a writ of mandamus directing respondent, DDA to process the case of the petitioner for conversion into freehold, subject to clearance of all dues and completion of codal formalities and also to withdraw the notice of eviction as the plot has not been re-entered under Clause IV of the Perpetual Lease Deed and still under possession of the petitioner.

III. To issue a writ of mandamus to charge, if any, interest on the amount due according to law at the rate of 9% per annum.



IV. To issue an appropriate writ restraining respondent, DDA from passing any order of eviction under Section 5(1) of the Public Premises Act, 1971 in view of the modified policy of conversion of DDA plots into freehold and further restrain DDA from disturbing the possession of the petitioner and creating any 3rd party interest in the plot...”

2. The brief facts of the case are that one M/s Optiko Industries was allotted property bearing No. plot No. A – 85/3, Naraina Industrial Area, Phase – I ad measuring 385.16 square yards on 03.01.1973 for the purposes of manufacturing optical equipments.
3. On 29.08.1974, M/s Optiko Industries sold the plot through General Power of Attorney and Agreement to Sell to Smt. Neeru Motiani, who thereafter, sold it to the petitioner on 19.09.2001.
4. The DDA, in the meanwhile, issued an order of cancellation dated 02.08.2000 against M/s Optiko Industries alleging violation of bye-laws and misuse of plot. Thereafter, on 21.01.2008 the respondent DDA issued a show cause notice dated 21.01.2008 proposing to evict M/s Optiko Industries. The petitioner on receipt of notice from M/s Optiko Industries represented to the respondent DDA that the petitioner has been in occupation of the plot since 19.09.2001 and plot was purchased on as is where is basis on GPA.
5. Be that as it may, the respondent DDA issued a demand notice dated 20.04.2011 asking the petitioner to deposit a sum of Rs. 1,59,96,017.00/- as miscellaneous charges. Replying to the said demand notice, the petitioner informed the respondent DDA that a sum of Rs. 9,35,536/- was already deposited with the application for



conversion from free hold to lease hold.

6. The calculation of the amount was also provided in the year 2014 to the petitioner, pursuant to the order of this court dated 20.02.2014. It is this amount and the calculation, which is the subject matter of the dispute.
7. Mr. Relan, learned counsel for the petitioner, states that the respondent DDA could not have charged the said misuser charges from the petitioner. The same is contrary to the respondent DDA's policy.
8. My attention has been drawn to the policy of the DDA dated 22.04.2014, which restricts the misuser charges for a maximum period of 5 years. The policy reads as under:



DELHI DEVELOPMENT AUTHORITY
[LAND DISPOSAL DEPARTMENT]

VIKAS SADAN, INA,
NEW DELHI-110023

No. F.1 (1)/2014-Coord.(LD)/DDA/32

New Delhi dated 22.04.2014

Sub.: Levy of Misuse charges – policy regarding

In pursuance of the directions of the Hon'ble Supreme Court as well as High Court to limit the time period for which the misuse charges should be levied, the issue of recovery of misuse charges etc. was deliberated at length in the meeting of the Authority held on 24.02.2014 and in continuation of the existing policy finalized by the Authority vide Resolution No. 35/2010 passed by the Authority in its meeting held on 17.2.2010 and issued vide Circular No. Misc/Sr. AO (RL)/Misuse Policy/2008/F.1(07/2008/DD/Co-ordination/LD/101 dated 26.03.2010, the Authority decided vide item No. 41/2014, that the maximum period for levying the misuse charges may be restricted to 5 years from the date of detection of the misuse, subject to the following conditions:

- (i) All decided cases of misuse, including the cases where misuse charges have been demanded in accordance with the existing policy and paid, shall not be reopened.
- (ii) Where misuse has been detected, the misuse charges may be restricted to the period of maximum of five years from the date of detection of the misuse or the date of filing of application whichever is earlier.
- (iii) Where certain permissible activities in flats/plots/premises are detected and even such use of the premises is reported as misuse by the field staff, such cases should be exempted from levy of misuse charges.
- (iv) The cases in which demand has been raised and as per existing policy, interest from the demand to the date of payment on the amount of revised misuse charges is payable, with the fresh policy coming into being, no such interest may be recovered.
- (v) There are cases in which demand has been sent but the allottee/applicant has not made the payment due to his

disagreement with the demand. Such cases may be treated as unsettled and may be treated under the fresh policy.

- (vi) The procedure for misuse charges calculation will be as was being followed earlier.
- (vii) The misuse charges will be levied only upto the date of receipt of conversion application irrespective of the fact whether the misuse is continuing or not. In no case updation of misuse charges will be made.

9. The petitioner seems to be covered under this policy dated 22.04.2014



and misuser charges of only 5 years is liable to be charged. Learned counsel for the petitioner states that the petitioner may be heard and in terms of the policy, a revised calculation may be given which the petitioner is ready and willing to pay.

10. For the said reasons, it is directed that the respondent shall call the petitioner, give a personal hearing and thereafter, pass a speaking order in terms of the various policies of the DDA regarding the misuser charges including the one dated 22.04.2014. The petitioner shall appear before the concerned director of the respondent DDA on 16.03.2026 at 12:30 p.m.
11. Without prejudice to the rights of the petitioner to challenge the same, if it is contrary to the policies of the DDA, the petitioner shall make the payment within 4 weeks from today and the respondent, shall execute the conveyance deed within 4 weeks thereafter, subject to completion of formalities. The benefit of the amount already lying deposited with the DDA shall also be given to the petitioner.
12. With these directions, the petition is disposed of.
13. Needless to say, that in view of the order, the demand dated 20.04.2011 stands quashed.

JASMEET SINGH, J

FEBRUARY 24, 2026/sp