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

+ **W.P.(C) 3354/2014**

GIAN CHAND GUPTA

.....Petitioner

Through: Mr. Manish Bansal, Mr. Robin Bansal,
Ms.Rhythm Goel, Ms.Nancy Garg,
Ms. Shruti Mittal, Advs.

versus

DELHI DEVELOPMENT AUTHORITY

.....Respondent

Through: Ms. Mrinalini Sen, SC with Ms. Aditi
Singh, Mr. Karan Mishra, Advs.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

02.04.2026

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1. This is a writ petition filed under Article 226 of the Constitution of India seeking the following prayer(s):-

“a. Issue a writ of mandamus or in the nature of mandamus directing the Respondent to allotment the flat to the Petitioner at the price prevailing on the date of allotment made against the registration and priority number issued to the petitioner ;...”

2. The case of the petitioner is that the petitioner applied for allotment of a flat on 25.10.1979 and made a deposit of Rs. 1,500/- vide deposit receipt No. 107553 dated 25.10.1979. The certificate of registration was issued on 26.05.1980.
3. From the year 1981 to 2013, the petitioner kept on writing letters and RTIs and the respondent replied to the said letters by stating that the file of the petitioner was missing.



4. The petitioner in the year 2014, from his own sources came to know that the respondent had allotted a flat on the registration number of the petitioner, i.e. 22861 to another allottee on 26.05.1980.
5. Hence, the present petition was filed.
6. Mr. Bansal, learned counsel for the petitioner states that the petitioner should be allotted a flat at the same rate, i.e. when persons junior to his entitlement, namely Mr. Govindlal, was allotted a flat, i.e at 2005 rates.
7. He has also handed over a letter dated 04.03.2009 of the respondent/DDA, which reads as under:



DELHI DEVELOPMENT AUTHORITY
HOUSING DEPARTMENT

File No. 8)22861)79/LIG/NP/1105

Dated: 4-3-09

To

Shri Gyan Chand Gupta
A-228, Shastri Nagar,
Near Sarai Rohilla,
Delhi-110052

Sub: Information under Right to Information Act, 2005.

Sir,

This has reference to your RTI application ID No. 431 dt. 12/2/09 on the above noted subject received in this office *vide* Dy. No. 41-RTI dated 28/1/09. In this regard, it is intimated that your case is under examination by the competent authority. The outcome of the same will be intimated to you, as soon as, the same is decided by the Competent Authority.

Yours faithfully,

Dy. Director (LIG)-H/PIO

8. He states that the veracity of the same may be verified by learned counsel for the respondent and the same is handed over to Ms. Sen, learned standing counsel.
9. Ms. Sen, learned Standing Counsel, is unable to verify the authenticity of the said letter.
10. Nonetheless, Ms. Sen submits that the scheme for allotment of DDA



flats under the New Pattern Housing Registration Scheme, 1979 was duly closed after wide publicity through public notices published in leading newspapers. Therefore, at the outset the petition is barred by delay and laches.

11. She further draws my attention to an RTI application filed by the petitioner in the year 2008, to which the DDA responded that the file pertaining to Registration No. 22861 was not available with the respondent. She also states that, in the year 2016, a flat was offered to the petitioner, which the petitioner declined to accept.
12. Further it is stated that the petitioner had sought information under the Right to Information Act, 2005, to which a proper reply was furnished *vide* letter dated 26.03.2014.
13. She further relies on a Circular dated 13.10.2011 which states that old cases will not be reopened and the cost of the flat will be standard cost as prevalent on the date of issue of demand-cum-allotment letter.
14. I have heard the learned counsels for the parties.
15. The primary objection of the learned counsel for the respondent is that the objection filed by the petitioner in the year 2014 is barred by delay and laches. I am unable to agree.
16. In the present case, the letter dated 04.03.2009 issued by the respondent shows that the case of the petitioner was stated to be under examination and the outcome was to be intimated.
17. In para 2 to 8 of the parawise reply, the respondent themselves say that the record pertaining to the file of the petitioner was missing and not traceable. That being the scenario no fault can be found with the petitioner approaching the Court in the year 2014 when the file of the



petitioner was itself missing with the respondent.

18. Additionally, a public authority cannot be allowed to take advantage of its own administrative lapses so as to deny a legitimate claim of a citizen. Once the petitioner's registration and priority are not in dispute, the burden lay upon the respondent to justify the non-allotment, which it has failed to discharge.
19. Hence the objection of delay and laches cannot be entertained.
20. Insofar as the reliance placed on the Circular dated 13.10.2011 is concerned, the same is not applicable to the facts of the present case. In the present case, no fault can be ascribed to the petitioner as it is the DDA who misplaced the file.
21. Therefore, the only issue before me is that rate at which the petitioner is entitled to the allotment of the flat.
22. In the judgments of ***Delhi Development Authority v. Mahinder Pal Sikri (Deceased) Through LR, 2013:DHC:6154-DB***, ***Nanak Chand v. Delhi Development Authority, 2014:DHC:4031-DB*** it has been held that the petitioner should be entitled to the rate on the date of which the writ petition has been filed. The relevant paragraphs of ***Nanak Chand (Supra)*** read as under:

“9. The appellant is entitled to be treated as per the consistent view taken by this Court. The price for allotment of the flat would be the one prevalent on the date the writ petition was filed. The time taken in adjudication of the writ petition cannot be attributed to the petitioner thus causing him to pay higher cost of the flat, as far as a petitioner is concerned the clock stops ticking the day he filed the writ



petition.

10. In view of the aforesaid, this Court directs that the appellant Nanak Chand be allotted a flat of equivalent size at the price prevalent on the date he filed the writ petition.”

(emphasis added)

23. My view for holding the said rate as available to the petitioner is also fortified by the fact that the respondent in 2016 offered a flat to the petitioner, which the petitioner refused to accept. For the said reasons and in order to do substantial justice, the writ petition is disposed of directing that the petitioner shall be allotted a flat similar flat to his entitlement within 4 weeks from today.
24. Additionally, except for a sum of Rs. 1500/-, the petitioner has not paid any amount to his allotment. The rate applicable will be the rate of the year 2014, i.e. on which date the petitioner had filed the writ petition.
25. In case the same rate is not applicable, the nearest rate of similarly situated flats will be scaled down/ scaled up to meet the 2014 rates.
26. The payment shall be made by the petitioner within 4 weeks of the demand and the possession of the flat as well as the conveyance deed shall be executed within 4 weeks thereafter.
27. The letter dated 04.03.2009 and circular dated 13.10.2011 handed over today in court is taken on record.

JASMEET SINGH, J

APRIL 2, 2026/sp

(corrected and released on 15.04.2026)