

(2010) 12 DEL CK 0381

In the Delhi High Court

Case No : LPA 920 of 2010

Bawana-II Industrial Relocation Plot Owner's Association

APPELLANT

Vs

State (Nct of Delhi) and Another

RESPONDENT

Date of Decision : 24-12-2010

Acts Referred:

Citation : (2010) 12 DEL CK 0381

Hon'ble Judges : Dipak Misra, C.J; Manmohan, J

Bench : Division Bench

Advocate : Praseon Kumar and Ravi Choudhary, for the Appellant; Sandeep Khatri and Reeta Kaul for Respondent No. 1 and Anusuya Salwan and Renuka Arora, for the Respondent

Final Decision : Dismissed

Judgement

Manmohan, J.

CM No. 23222/2010 (exemption)

Allowed, subject to all just exceptions.

Accordingly, application stands disposed of.

LPA 920/2010 and CM 23221/2010

1. Present Letters Patent Appeal has been filed challenging the judgment and order dated 14th December, 2010 passed by the learned Single Judge in W.P.(C) 7768/2010 whereby the learned Single Judge has dismissed the aforesaid writ petition. It is pertinent to mention that by the said writ petition, the Petitioner had challenged the demand/cost determined by the Delhi State Industrial and Infrastructure Development Corporation Ltd. (for short "DSIIDC").

2. Mr. Praseon Kumar, learned Counsel for the Appellant submitted that the balance 50% of the cost of industrial plot determined by the DSIIDC was highly arbitrary, exorbitant and contrary to the cost determined by the Respondents in

the minutes of meeting held on 6th August, 2009. He further submitted that the cross-subsidy towards categories such as Economically Weaker Section (EWS) had been illegally added in the cost demanded by DSIIDC. Mr. Prasoon Kumar placed reliance upon a judgment of this Court in P.N. Verma and Others Vs. Union of India (UOI) and Others, .

3. Having heard the parties and having perused the paper book, we find that the cost of 15,566/- per sq. mtr. determined by DSIIDC is far lower in comparison to the market rate of 36,469/- per sq. mtr. as well as to the circle rate of ` 27,400/- per sq. mtr. determined by the Government of NCT of Delhi. We further find that the Respondent-DSIIDC had determined the aforesaid cost in pursuance to a circular dated 17th August, 2010 issued by the Government of NCT of Delhi. Consequently, the reliance on minutes of meeting dated 06th August, 2009 is misconceived.

4. In our opinion, the judgment in P.N. Verma (supra) is not applicable to the facts of the present case as in the present case a condition had been stipulated in the letter of allotment that the cost mentioned therein was tentative and subject to change depending on actual cost of development of the industrial plot and directions issued by the Government of NCT of Delhi. Further, in the present case the policy of price fixation or cost factor has not been amended, unlike what was done in P.N. Verma (supra).

5. In fact, on a perusal of the paper book we find that the component of cross-subsidy towards EWS has been added for providing facilities to workmen who are going to be employed by industrialists, like the Appellant, under the relocation scheme. Consequently, in our view, the price determined by the DSIIDC is both fair and reasonable. Accordingly, the present appeal and application are dismissed but with no order as to costs.