

(2020) 10 DEL CK 0098

In the Delhi High Court

Case No : Civil Writ Petition No. 7748 Of 2020

Surjeet Singh

APPELLANT

Vs

Govt. Of Nct Delhi & Anr

RESPONDENT

Date of Decision : 12-10-2020

Acts Referred:

Citation : (2020) 10 DEL CK 0098

Hon'ble Judges : Navin Chawla, J

Bench : Single Bench

Advocate : Jagjit Singh, Rizwan, Anusuya Salwan

Final Decision : Dismissed

Judgement

Navin Chawla, J

This hearing has been held by video conferencing.

CMs 25549-50/2020(exemptions)

Allowed, subject to all just exceptions.

WP(C) 7748/2020 & CM 25548/2020

1. This petition has been filed by the petitioner praying for the following reliefs:

"(b) Issue of \Writ of Mandamus thereby quashing the letters dated 14.08.2020 arising from 28.12.2012 and 23.04.2013 of the respondent no.2, DSIDC; to the extent of quashing the letter issued by the respondents dated 14.08.2020, in continuation of earlier letters letter dated 28.12.2012 and 23.04.2013 demanding the balance payment of the plot @ Rs.15,556/- per Sq. Mtr. and/or the respondents may be directed to claim the cost of the land only at Rs. 5150/- per Sq. Mtr, without any interest and /or reasonable interest.

(c) Pass a Writ of Mandamus thereby restraining the respondent no.2 from claiming the cost of land as Rs.15,533/- per Sq. Mtr. in respect of plot size 290,

Sector C, Bawana no 2, Bhorgarh of 250 Sq. Mtr.

(d) Pass a Writ of Mandamus there by restraining the respondents from cancelling the allotment of the aforesaid plot in favour of the petitioner."

2. It is the case of the petitioner that the petitioner applied for allotment of a plot of land in the re-location scheme floated by the respondent no.1 vide application dated 20.12.1996. The petitioner had deposited earnest money of Rs.1,20,000/- along with the application. The application was rejected by the Department of Industries of the respondent no.1 on 12.06.2000, against which the petitioner filed an appeal/review. Finally, vide letter dated 28.07.2006, the petitioner was declared eligible for the allotment of a plot of 250 sq. mtrs. The provisional allotment letter dated 19.01.2007 was issued to the petitioner demanding tentative cost of plot of land as Rs.5150/- per sq. mtr. 50% of the cost was to be deposited by the petitioner within 60 days from the issue of the said letter. The petitioner duly complied with the said condition by making the appropriate deposit. It was only after a gap of three years that by a letter dated 17.08.2010, the respondent no.1 informed the petitioner that the rate for the plot had been modified to Rs.15,566/- per sq. mtr. The petitioner claims that since that date, the petitioner has been making repeated representations to the respondent contending that the petitioner should in fact be asked to pay only at the rate of Rs.4,200/- per sq. mtr., which was the rate prevalent on 28.07.2006 when the petitioner was declared eligible, or at best @ Rs.5150/- per sq. mtr., which was the rate demanded from the petitioner on 19.01.2007. Such representations, however, were repeatedly rejected by the respondents calling upon the petitioner to make the balance deposit. The cancellation of allotment made in favour of the petitioner was also threatened.

3. The petitioner has filed the present petition challenging the office order dated 14.08.2020 by which the respondent no.2 has extended the period for making the balance payment towards cost of plots by four and a half months from the date of issue of the said order along with payment of interest @18% per annum. The Order states that this extension is applicable only to Bawana-II (Bhorgarh), where the plot of the petitioner is situated, as the same is not as developed as the other industrial areas of Bawana, Narela and Jhilmil. The order further states that it is a one-time Amnesty Scheme whereunder the allottee making the payment of outstanding cost within 60 days, will get 50% rebate on the interest portion accrued thereon. Further slabs of waiver have been provided in the order, making it clear that in case the allottees fail to pay their outstanding dues during the aforesaid period, they shall not be entitled to any relief of interest but will be given an opportunity to make payment within 30 days thereafter.

4. The learned counsel for the petitioner submits that the respondent cannot demand the balance cost of the land based on the revised rate that was communicated by the letter dated 17.08.2010. He reiterates that the petitioner having been declared eligible on 28.07.2006, when the cost of land was Rs.4200/- per sq. mtr., only this amount is legally payable by the petitioner. At

worst the petitioner has to pay at the rate of Rs.5150/- per sq. mtrs., which was the rate demanded in the allotment letter dated 19.01.2007. He further submits that in the impugned office order dated 14.08.2020, it has been admitted by the respondents that the area in question is still not as developed as other industrial areas at Bawana, Narela and Jhilmil and therefore, the demand of interest from the petitioner cannot be sustained.

5. I have considered the submissions made by the learned counsel for the petitioner, however, find no merit in the same.

6. Admittedly, the demand at the enhanced rate was made on the petitioner on 17.08.2010. Though, the petitioner may have made repeated representations to the respondents in this regard, the respondents have been steadfast in their denial of such representations and have even threatened cancellation of the allotment of the plot of land to the petitioner in case of petitioner's default in making payment of the charges as demanded.

7. Repeated representations of the petitioner cannot extend the period of limitation for the petitioner nor can it persuade this court to entertain this petition after such a long period of delay.

8. Similarly, the office order dated 14.08.2020 can also not extend the period of limitation for the petitioner to challenge such demand as the said office order is merely in form of an Amnesty Scheme which has been floated by the respondent no.2 to grant benefit to the allottees who have failed to make payment of the balance cost of plots. It in fact, excludes even the pending court cases from the benefit.

9. As the challenge of the petitioner is to the cost of plot itself, which stood determined way back on 17.08.2010, the present petition is liable to be dismissed on the ground of delay and laches alone.

10. I must also note at this stage take note that the learned counsel for the respondent, who appears on an advance notice, has placed reliance on the judgment dated 14.12.2010 passed by this Court in a batch of petitions, including WP(C) No.7141/2010 titled Narender Kumar & Ors. vs. Delhi State Industrial and Infrastructure Development Corporation Ltd. & Anr., wherein this Court dismissed similar challenge to the revised cost of the plot of land for the same area that is Bawana-II, Bhorgarh.

11. Accordingly, the present petition is dismissed. There shall be no order as to costs.