

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

SPECIAL LEAVE PETITION (C) Nos.16385-16388 OF 2012

RAHUL GUPTA

.....PETITIONER

VERSUS

DELHI DEVT.AUTH.& ORS.

.....RESPONDENTS

O R D E R

We would, first of all, like to record our appreciation for the assistance rendered to this Court by Mr.Balwinder Kumar, IAS, Vice-Chairman, Delhi Development Authority, and Mr.Sandeep Mehta, Chief Engineer, holding charge of the Rohini Zone.

Consequent upon the factual position which was brought to our notice by the Vice-Chairman and the Chief Engineer, it is apparent, that allotment letters in respect of 10,725 plots were issued by the DDA before 30.11.2014, and with respect of 341 plots by 12.01.2015. The delay in effecting these allotments with reference to the time frame depicted in our order dated 31.10.2014, is condoned.

Mr.Sandeep Mehta, Chief Engineer, indicated during the course of hearing, that in the case of the above, about 11,000 allotments, plots had been carved out in Sectors 28, 29, 30 and 34, Rohini. It is submitted that water, sewerage and road facilities have already been provided in these Sectors, and that, the

remaining external development (besides electrification, and storm water and drain water infrastructure) would be completed by 10.04.2015. It is, however, brought to our notice, that insofar as the process of electrification is concerned, electricity poles are being installed, and that, the process of electrification will be completed, in the above-mentioned Sectors, by 30.06.2015. It is affirmed, that temporary electricity connection when sought by the above allottees, shall be provided immediately thereafter. It is further assured that storm water and drain water infrastructure, will be completed in Sectors 28, 29, 30 and 34, Rohini, by 30.06.2015.

It is submitted that the external development work in Sector 34 is also in the final stage of completion, and that, the same will be completed by 31.03.2015. It is affirmed, that the process of electrification for providing temporary electricity connection to at least 3500 plot holders in Sector 34, Rohini, will be ensured by 30.06.2015, and for the remaining approximately 3500 plot holders in Sector 34, Rohini, by 30.09.2015.

Since the completion of the external development work, in terms of the dates indicated hereinabove with reference to Sectors 28, 29, 30 and 34, Rohini, was communicated to us by the officers who assisted this Court in passing of this order, we also record, that there should not be any breach of the time frame, under any circumstance whatsoever.

Besides the above, approximately 11,000 plots, which have presently been allotted, a further about 14,000 plots have to be allotted under the same scheme (as the allotment with reference to

11,000 allotments). Mr. Balwinder Kumar, Vice-Chairman, and Mr. Sandeep Mehta, Chief Engineer, informed us that these allotments would be made in Sectors 34, 35, 36 and 37, Rohini. It is submitted, that the land over which these plots will be carved out is already available with the Delhi Development Authority. It is pointed out that the external development work would have commenced by now, but for agitation at the hands of the agriculturists of the area. It is also submitted, that there was a restraint order passed by this Court, and as such, the development process could not continue. It is submitted, that the effect of the directions issued by this Court came to be negated, on the withdrawal of the petition(s) filed before this Court on 03.02.2015. It is also affirmed, that at the present juncture, there is no agitation. In the above view of the matter, we are informed, that there is now no impediment in the initiation of the process of external development.

Mr. Sandeep Mehta, Chief Engineer, brought to our notice, that even if the process is commenced without any further delay, the finalisation of the tenders would take approximately three months, and the execution of external development work, would take a further period of about one year. He submitted, that it would be appropriate to fix, an outer limit for completion of the external development work, by 31.07.2016.

In view of the aforesaid statement made to us, which we hereby accept, we direct the allotment to the remaining approximately 14,000 registered applicants be made by 31.07.2016. Needless to mention, that as per the undertaking given to us, all

the external development work would be completed in Sectors 34, 35, 36 and 37, Rohini, by 31.07.2016. Insofar as the electrification process is concerned, even though we are satisfied, that approximately six months' time would be needed to erect the infrastructure for the same, we find no necessity to make any such direction, and that, the purpose of the allottees will be served if a direction is issued to complete the electrification process, whereby it becomes possible to issue temporary connection in the above-mentioned Sectors by June 30, 2016 (i.e. a month before the completion of the external development process). Ordered accordingly. The instant direction has been recorded in the presence of the learned counsel representing the Tata Power Distribution Limited. The same shall accordingly be brought to the notice of the concerned officers for compliance.

Since the completion of the external development work, in terms of the dates indicated hereinabove, with reference to Sectors 34, 35, 36 and 37, Rohini, was communicated to us by the officers who assisted this Court in passing this order, we also record, that there should not be any breach of the time frame, under any circumstance whatsoever.

It is apparent, that the aforesaid time schedule, determined for completing the development process will need unhindered activity. We, therefore, consider it just and appropriate to direct the Delhi Administration, as also, the Police Department thereof, to take appropriate measures, preventive and remedial, so that the above development activity, is not stalled on account of any untoward incident(s). The Registry of this Court

shall communicate the instant order to the Delhi Administration.

Since the works required to be completed are extensive, we would direct the authorities to ensure that Mr. Sandeep Mehta, Chief Engineer, holding charge of the Rohini area, be continued in the same capacity, or in his promoted capacity, for the Rohini Area, at least till 31.07.2016.

For the same objective, as has been noticed in the foregoing paragraph, we consider it just and appropriate to direct that no Court other than this Court, shall entertain any application for grant of interim directions, with reference to the above allotments or execution of the works. If and when an interim direction is required, the aggrieved party who approaches a Court of competent jurisdiction, would be relegated to this Court. The concerned party would make such prayer, through an interlocutory application. In such an eventuality, the party desiring an interim direction, shall effect advance service of the application (wherein such a prayer has been made), on the learned counsel representing the rival parties before this Court, in the present litigation.

Whilst disposing of these petitions with the aforesaid directions, we consider it just and appropriate to further record, that we have not taken into consideration any of the objections raised by the petitioner, on any count other than, allotment of developed plots. On all allied issues, that may arise in connection with the above-mentioned allotment of plots, it shall be open to the allottees to approach a competent Court having jurisdiction in the matter.

The special leave petitions are disposed of in the manner indicated above. As a sequel to disposal of the special leave petitions, all other interlocutory applications are also disposed of.

.....J.
(JAGDISH SINGH KHEHAR)

.....J.
(S.A. BOBDE)

NEW DELHI;
MARCH 10, 2015.

ITEM NO.15

COURT NO.4

SECTION XIV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s).
16385-16388/2012

(Arising out of impugned final judgment and order dated 14/03/2012 in CM No.3312/2011 in WP No.8765/2009, WP No.7223/2007, WP No.3590/2008 and WP No.4124/2011 passed by the High Court Of Delhi At New Delhi)

RAHUL GUPTA

Petitioner(s)

VERSUS

DELHI DEVT.AUTH.& ORS.

Respondent(s)

(With appln.(s) for directions and permission to place addl.documents on record and interim relief and office report)
(Final disposal)

Date : 10/03/2015 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE JAGDISH SINGH KHEHAR

HON'BLE MR. JUSTICE S.A. BOBDE

For Petitioner(s) Mr.Prashant Bhushan, Adv.
Mr. Rohit Kumar Singh, Adv.

For Respondent(s) Mr.Mukul Rohtagi, AG
Mr.A.Sharan, Sr.Adv.
Ms.Binu Tamta, Adv.
Mr.Dhruv Tamta, Adv.

Mr.Rajiv Dutta, Sr.Adv.
Mr.Kumar Dushyant Singh, Adv.
Mr.Siddharth Dutta, Adv.
Mr.Daniel Goerge, Adv.
Mr.R.Nedumaran, Adv.

Mr.Ajay Bansal, Adv.
Mr.Praveen Swarup, Adv.
Mr.Gaurav Yadav, Adv.
Mr.Suresh Kumar, Adv.

Mr.Alok Gupta, Adv.

Mr.P.Parmeswaran, Adv.

Mr.Vikas Upadhyay, Adv.
Mr.Alok Shankar, Adv.
Mr.Annanya Mishra, Adv.

Respondent-in-person

Upon hearing the counsel the Court made the following
O R D E R

The special leave petitions are disposed of in terms of the signed order. As a sequel to disposal of the special leave petitions, all other interlocutory applications are also disposed of.

(SATISH KUMAR YADAV)
COURT MASTER

(RENU DIWAN)
COURT MASTER

(Signed order is placed on the file)