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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 344/2021 & CM. APPLS. 899/2021, 22305-06/2021, 37736-37/2021

SH SANT LAL MAGGU

..... Petitioner

Through

Mr. Anil Grover, Advocate.

versus

NORTH DELHI MUNICIPAL CORPORATION Respondent

Through

Mr. Ajjay Aroraa, Standing Counsel
with Mr. Popli, Advocate for the
Corporation.

Mr. Farman Ali and Mr. Athar Raza
Farooquei, Advocates for DDA.

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

11.02.2022

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1. The hearing was conducted through video conferencing.
2. Learned counsel for the petitioner submits that as per the MPD and the policy of DDA, for payment of use conversion charges for change of use from industrial to commercial including banquet halls notified by the DDA on 25.02.2009, the conversion charges can be paid in lump-sum in one go or in installments.
3. Learned counsel submits that people who had accepted the scheme and opted for payment in installments could not be asked to revise the amount as the policy then becomes discriminatory between



people who opt to make payment in one go or payment in installments.

4. He submits that retrospectively the amount is sought to be enhanced in cases where the plot owners had opted to change the use and accepted the policy of payment in installments.

5. He submits that there is no clarity in the subsequent policies and enhancement of rates as to whether the people who had already accepted and whose applications had been accepted and payment was being accepted in installments would be covered under the policy.

6. He further submits that the new circular dated 03.07.2018 would not apply to banquet halls and would apply for conversion from industrial to commercial.

7. This is disputed by learned counsel appearing for the Corporation, who submits that their office order dated 07.06.2010 specifically provided that annual payment of use charges will not be adjusted towards one-time payment of conversion charges.

8. Since there is lack of clarity from the affidavit of the DDA, a competent officer of the DDA is directed to be present on the next date of hearing with the relevant record.

9. Counter affidavit of the Corporation is not on record. Let the counsel check up with the Registry and have the same placed on record.



10. List on 06.04.2022.

11. Copy of the order be uploaded on the High Court website and be also forwarded to learned counsels through e-mail by the Court Master.

SANJEEV SACHDEVA, J

FEBRUARY 11, 2022
NA