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

+ **W.P.(C) 6335/2023**

MS SHIVANGI GOEL

..... Petitioner

Through: Mr Pankaj Jain & Mr Rajesh Kumar
Singla, Advs.

versus

DELHI DEVELOPMENT AUTHORITY

.... Respondent

Through: Mr R.K. Dhawan, Standing Counsel
with Mr V.K. Teng & Ms Vanshika
Agarwal, Advs.

CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

% **15.05.2023**

[Physical Hearing/Hybrid Hearing (as per request)]

CM Appl.24875/2023 [For exemption]

1. Allowed, subject to just exceptions.

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2. The present Petition has been filed *inter-alia* seeking the following relief:

“i) direct the respondent to execute and issue the Conveyance Deed in respect of property bearing no. 14, Area meas 60 Sq Meter Block & Pocket A-2, Sector-35, Rohini, Delhi vide File No F-16(14510)2012/LAB/RO;”

3. Mr Pankaj Jain, learned Counsel for the Petitioner, contends that the Petitioner is the purchaser of the property i.e., Plot bearing Plot No.14, Pocket-A-2, Sector-35, Rohini, Delhi [hereinafter referred to as "demised premises"] from one Mr. Harjit Singh Bhola and his wife Smt. Shefali Bhola. The demised premises was purchased, *inter-alia*, by an Agreement to Sell dated 27.08.2019.

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4. Mr Jain, learned Counsel who appears on behalf of the Petitioner, submits that the Petitioner, thereafter, applied for conversion of “lease hold rights” into “free hold”, in respect of the demised premises. In this regard, the requisite documents and application was filed by the Petitioner and the conversion charges were deposited by the Petitioner on 10.09.2020 [See Annexure J appended at Page 95-96 of the case file].

4.1 Learned Counsel for Petitioner further submits that despite the foregoing, the Conveyance Deed in respect of demised premises is yet to be registered by the Respondent/DDA.

5. Mr R.K. Dhawan, learned Standing Counsel who appears on advance notice on behalf of the Respondent/DDA, on instructions, submits that the Conveyance Deed cannot be executed in favour of the Petitioner as the predecessor-in-interest of the Petitioner had, in fact, prior to the said sale, had already obtained from the Respondent/DDA, refund of the original registration money for the demised premises.

6. Mr Jain, learned Counsel who appears on behalf of the Petitioner, submits that he is in possession of the demised premises since 27.08.2019.

7. The matter requires further examination.

8. Issue Notice.

8.1 Mr R.K. Dhawan accepts Notice on behalf of the Respondent/DDA.

9. Let a Counter-Affidavit be filed by Respondent/DDA within six weeks with documents in support of the contentions raised herein.

9.1 Rejoinder thereto, if any, will be filed within four weeks thereafter.



10. List the matter before the Registrar for completion of pleadings on 17.08.2023.
11. List the matter before the Court on 23.11.2023.
12. In the meantime, the Respondent/DDA shall maintain *status quo qua* the premises i.e., Plot bearing Plot No.14, Pocket-A-2, Sector-35, Rohini, Delhi.

TARA VITASTA GANJU, J

MAY 15, 2023/r

[Click here to check corrigendum, if any](#)

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