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

+ **W.P.(C) 12801/2021 & CM APPL.17688/2022**

NISHA SHARMA & ORS.

..... Petitioners

Through: Ms. Jayshree Satpure, Ms. Aakanksha Badker and Ms. Tripti Poddar, Advocates.

versus

**MINISTRY OF HOUSING AND URBAN AFFAIRS,
UNION OF INDIA & ORS.**

..... Respondents

Through: Mr. Vikram Jetly, CGSC with Ms. Shreya Jetly, Advocates for R-1 & 6. (M:9811157321)
Mr. Anuj Aggarwal, ASC with Ms. Ayushi Bansal, Mr. Sanyam Suri & Ms. Arshya Singh, Advocates. for R-2&4.
Ms. Richa Dhawan, Mr. Anuj Chaturvedi & Ms. Vanshika Agarwal, Advocate for DUSIB.

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% **30.11.2022**

1. This hearing has been done through hybrid mode.
2. The present petition has been filed seeking the quashing of the Circular dated 31st December, 2020 issued by the Respondent No.1 - Ministry of Housing & Urban Affairs. As per the impugned circular, all the vacant and under-construction houses under the erstwhile schemes being Jawaharlal Nehru National Urban Renewal Mission ("JNNURM") and Rajiv Awas Yojana shall henceforth be deemed to be potentially covered under the Affordable Rental Housing Complexes (ARHCs), a sub-scheme under the



Pradhan Mantri AWAS Yojana - Urban.

3. Ld. Counsel for the Petitioner submits that there is an urgency in view of the fact that 60 Petitioners and their family are living in *rain basera* since the last several years, without basic amenities, and they have also availed of loan facilities to pay their share of the consideration which was collected by the DUSIB.

4. Ld. Counsel for Respondent No.3 - DUSIB seeks further time to obtain instructions in the matter. He submits that all the flats have been taken over by the Union of India under the Affordable Rental Housing Scheme. Let the same be brought on record by way of affidavit by Respondent No.3 - DUSIB positively within two weeks, subject to costs of Rs. 5,000/- to the Petitioner. If the Respondent No.3 - DUSIB fails to file the said affidavit, the right to file the affidavit shall stand closed.

5. Mr. Vikram Jetly, Id.CGSC submits that he has filed the Counter affidavit. Ld. CGSC to seek instructions from the Respondent No.1 - Ministry of Housing and Urban Affairs and file a short affidavit in this regard as to whether the Petitioners' case can be considered as part of the consideration is stated to have been deposited by them.

6. List on 11th January, 2023.

PRATHIBA M. SINGH, J.

NOVEMBER 30, 2022

dj/ad