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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 4987/2018 & CM APPL. 59443/2023

SHRI VIJAY AGGARWAL & ANR.

.....Petitioners

Through: Mr.Rajiv Kumar Ghawna, Mr.Vikalp
Chandela and Mr.Sachin Chaudhary,
Advocates

versus

DELHI DEVELOPMENT AUTHORITY & ANR.....Respondents

Through: Ms.Shobhana Takiar, Standing
Counsel, DDA with Mr.Kuljeet
Singh, Mr.Shivam Takiar and
Mr.Prateek Dhir, Advocates.
Mr.Junaid Khan and Ms.Ruchika
Rathi, Advocates for LAC/L&B.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

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24.01.2025

CM APPLs. 2911/2025 & 142/2025

1. These applications have been filed on behalf of respondent Nos.1 and 2 seeking waiver of costs of ₹50,000/- imposed vide order dated 09.12.2024 upon respondent no.1/DDA and respondent No.2/LAC and seeking recall of the same.
2. The learned counsel for the applicants/respondents submit that the said costs have been imposed on an assumption that the respondents are not taking any effective steps for acquisition and payment of compensation of the land measuring 15 Biswas, which was not acquired but the petitioner was dispossessed from the same. It is stated that decision had been taken earlier on 10.07.2024 for acquiring the said land under The Right to Fair



Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and therefore, the necessary steps had been taken.

3. A plain reading of the order 09.12.2024 indicates that Co-ordinate Bench of this court has imposed costs on the ground that the applicants/respondents had not filed their counter affidavits despite sufficient opportunities. It was noted that final opportunity was granted to the applicants to do so vide order dated 06.02.2024 within a period of two weeks from that date. The said order was not complied with and on 21.03.2024 this court granted last and final opportunity to the applicants/respondent to file their counter affidavits within a period of four weeks. This order was also not complied with.

4. It is also important to note that on 09.12.2024, the learned counsel appearing for the LAC made a statement that the LAC is not aware as to how much land is required by the DDA for issuance of relevant notification for initiating acquisition proceedings.

5. It is now contended that the aforesaid statement was incorrect and in fact the decision to acquire the subject land was already taken 10.07.2024. The minutes of the meeting conducted under the Chairmanship of Commissioner (Land Management) DDA, have also been filed in support of the said contention.

6. This only brings into focus of the facts that despite sufficient opportunity, the concerned officers had refrained from filing the counter affidavit and placing the correct facts on record. On the contrary, a statement was made by LAC was not even aware as to how much land was required to be acquired for initiation of acquisition proceedings.

7. We find no ground to recall the said order dated 09.12.2024. The



manner in which the land acquisition matters are defended by the concerned authorities is a matter of concern. The record of this petition is reflective of the LAC's approach. There is hardly a matter where a counter affidavit is filed within the time frame. There are several matters in which the court has been constrained to call for the presence of LAC or responsible officer to assist this court.

8. At this stage, the learned counsel appearing for LAC submits that the quantum of costs imposed on LAC may be reduced and the LAC would undertake to ensure that the same is paid. We consider it apposite to accede to this request. Accordingly, the cost as imposed on LAC is reduced to ₹10,000/-.

9. We have also indicated that on parity a similar order can be passed in the case of DDA as well. However, Ms. Shobhana Takiar, the learned Standing Counsel, DDA submits that the DDA is not willing to give any such undertaking for payment of the said amount and reserves the right to avail its remedies.

10. In view of above, there is no ground to modify the order dated 09.12.2024 qua the DDA. The applications are accordingly disposed of in the aforesaid terms.

W.P.(C) 4987/2018 & CM APPL. 59443/2023

List on 24.03.2025.

VIBHU BAKHRU, J

ANOOP KUMAR MENDIRATTA, J

JANUARY 24, 2025/v

Click here to check corrigendum, if any