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

Date of decision:24.03.2026

+ **W.P.(C) 1914/2019 & CM APPL. 3265/2023**

M/S SHIV DAYAL SINGH OIL COMPANY

.....Petitioner

Through: Mr. Jaspreet Singh Kapur & Ms.
Shweta, Advs.

versus

DELHI DEVELOPMENT AUTHORITY

.....Respondent

Through: Mr. Kritika Gupta, Mr. Sanjay Katyal
& Ms. Vidushi Singhanian, Advs.
Mr. Sanjay Katyal, SC with Ms.
Kritika Gupta & Mr. Nitish Kumar
Danda, Advs.

101

+ **W.P.(C) 3902/2023**

M/S SHIV DAYAL SINGH OIL COMPANY

.....Petitioner

Through: Mr. Jaspreet Singh Kapur & Ms.
Shweta, Advs.

versus

DELHI DEVELOPMENT AUTHORITY

.....Respondent

Through: Mr. Kritika Gupta, Mr. Sanjay Katyal
& Ms. Vidushi Singhanian, Advs.
Ms. Shobhana Takiar Standing
Counsel for DDA with Mr. Shivam
Takiar, Mr. Prateek Dhir, Mr. Kuljeet
Singh, Advs.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH



: **JASMEET SINGH, J (ORAL)**

1. These are petitions filed by the petitioner under Article 226 of the Constitution of India.

2. The W.P.(C) 1914/2019 seeks the following prayer: -

“a. issue a Writ in the nature of CERTIORARI and/or any other appropriate Writ/ Order/ Direction of like nature for quashing the show-cause notice dated 14.11.2018 and the order dated 07.02.2019 passed by the Respondent and further restraining the Respondent from taking any coercive action against SKO/LDO Depot site no. 2, Vasant Vihar, New Delhi, allotted to the Petitioner.”

3. The case of the petitioner is that the petitioner is aggrieved by the show cause notice dated 14.11.2018 and order dated 06.02.2019/07.02.2019, whereby the plot of land of the petitioner bearing SKO/LDO Depot site no. 2, Vasant Vihar, Near DTC Bus Depot, Nelson Mandela Road, New Delhi has been directed to be taken over by the respondent by cancelling the allotment. The petitioner has been asked to hand over the vacant possession of the said land by 13.02.2019.

4. Hence, the present petition was filed.

5. During the pendency of the proceedings, this Court passed the order dated 07.10.2022 in W.P. (C) 1914/2019, which reads as under:-

“1. After some hearing, the present writ petition is disposed of with a direction to the respondent to consider the petitioner’s application (CM APPL.1009/2021) as a representation, and to



pass a reasoned and speaking order thereon within a period of eight weeks from today. The said application has been filed by the petitioner seeking allotment of an alternative land to the petitioner of the same size/area as has been allotted to the petitioner for the purpose of carrying out his business as specified in the No Objection Certificate (NOC) dated 21.09.2016 as well as Letter of Intent dated 18.09.2017.

2. The respondent is directed to grant an opportunity of personal hearing to the petitioner and take into account all contentions of the petitioner, without being influenced by any order that may have been passed previously, before passing a reasoned and speaking order.

3. Needless to say, in the event of the petitioner being aggrieved with the outcome of the aforesaid exercise, it shall be at liberty to revive the present petition.”

4. Till disposal of the representation as aforesaid, no coercive steps shall be taken by the respondent.”

6. Pursuant to the direction in the order dated 07.10.2022, the respondent passed a detailed speaking order on 19.01.2023, rejecting the entitlement of the petitioner to another plot and hence W.P.(C) 3902/2023 was filed seeking the following prayers:-

“a. issue a Writ in the nature of CERTIORARI and/or any other appropriate Writ/ Order/ Direction of like nature for quashing the impugned order dated 19.01.2023 passed by the



2026:DHC:280



2026:DHC:2803

Respondent;

b. Issue a Writ in the nature of MANDAMUS and/or any other appropriate Writ/ Order/ Direction directing the Respondent to allot alternate land of the same size/ area as Depot Site No. 2, Vasant Vihar, Near DTC Bus Depot, Nelson Mandela Road, New Delhi;

c. Any other order(s) which this Hon'ble Court deem fit and proper in the facts and circumstances of the case may also be passed in the favour of the Petitioner and against the Respondent."

7. In W.P.(C) 3902/2023, the case of the petitioner is that the petitioner was allotted a plot no. 2, Vasant Vihar, near DTC Bus Depot, Nelson Mandela Road, New Delhi for the purpose of storing of ancillary petroleum products.

8. Since the sale of kerosene is banned in the city of Delhi, the petitioner requested Ministry of Petroleum and Natural Gas on 22.12.2015 for setting up a CNG facility at the said land.

9. On 22.08.2016, the Indraprastha Gas Limited issued a letter to the petitioner, which reads as under:-



2026:DHC:280



2026:DHC:2803

M/s Shiv Dayal Singh Oil Company
B -53, M.K. Residency
Plot No. 8B, Sector-11
Dwarka, New Delhi-110076

22.08.2016

Kind Attn: Shri Kanwar Sain

Subject: Representation of All India Kerosene Dealers Federation

Sir,

This is in reference to your letter dated 22.12.2015 forwarded to us by Ministry of Petroleum and Natural Gas vide letter ref no: L-16016/2/2016-GP-I dated 20.01.2016 wherein, it was requested to explore setting up of CNG facility at the Land available on Vasant Vihar (near Vasant Vihar DTC Depot) towards rehabilitation of Kerosene Dealers in Delhi, as Delhi has been declared as a Kerosene free city.

Before proceedings in the matter, we would like to state that expansion of retail CNG Infrastructure by IGL in NCT of Delhi is being done as follows:

- a) CNG facilities in Delhi are created on the land allotted by various land owning agencies like L&DO, MCD, DDA, NDMC, etc.
- b) In order to have a better geographical spread, IGL has also created CNG facilities at all three public sector Oil Marketing Companies (OMCs) under direct arrangement with them,
- c) Wherever feasible, IGL has also created CNG retail filling facilities at few DTC Depots under "Hybrid filling facility"

On the above-subject matter, we would like to state that techno-commercial feasibility towards setting up of CNG facility was carried out at our end on land measuring 300 sq. mtr. (20 mtr*15 mtr) with bare minimum facility and following has been observed:

- I. As per, MPD 2021 Fuel Station norms/ byelaws, the road in front of the Land should be minimum 30 mtrs wide and any intersection of traffic should be at least 100 mtrs away from the proposed land/ site.
- II. It would be technically feasible, if adequate size land is made available for setting up of Online CNG facility meeting MPD 2021 Fuel Station norms/ byelaws.

Subsequently, the matter was discussed in detail with your good-self during meetings at our office, wherein, you were appraised on the aspects of exploring setting up of CNG facility at your land under private land policy.



2026:DHC:280



2026:DHC:2803

In this regard, we once again reiterate that under the private land policy, IGL would like to take the land on long term lease or outright purchase the Land.

Therefore, in order to proceed further on the matter of setting up of CNG facility at your land, we request you to kindly confirm us the following:

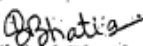
- Compliance to MPD 2021 Fuel Station norms/ byelaws pertaining to aforesaid land.
- Provision of Sub-letting mentioned in the Land allotment condition by Delhi Development Authority (DDA) of the aforesaid Land at Vasant Vihar (near Vasant Vihar DTC Depot).
- Any such condition of DDA, wherein the DDA has changed the Land allotment use initially from Kerosene to CNG.
- Provision of IGL making direct payment to DDA towards lease rentals against your land.

A line in confirmation of above would facilitate us to proceed further in the said matter.

Assuring you of best possible services.

Yours Sincerely,

For Indraprastha Gas Limited


Vishal Bhatia
DGM-Marketing

10. The Ministry of Petroleum and Natural Gas issued a letter of 12.09.2016 to Indraprastha Gas Limited, which reads as under:-



2026:DHC:280



2026:DHC:2803

Government of India
Ministry of Petroleum and Natural Gas
Shastri Bhawan, New Delhi-110001 (Fax: 23389985)

ANNEXURE 343

Ref. No. L-16016/7/2016-GP-I(Pt.I)

Dated: 12 September, 2016

To,
The Managing Director,
IGL,
New Delhi.

Sub: Rehabilitation of Delhi SKO Dealers.

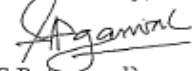
Sir,

Please find enclosed herewith a copy of representation dated 26.08.2015 from Shri Sushil Kumar, President, Delhi Kerosene Storage Association, received in this Ministry.

2. In the above context, you are requested to consider setting up a new CNG station at M/s Shiv Dayal Singh Oil Company as mentioned in the grievance.

Encl: as above.

Yours faithfully,


(S.P. Agarwal)

Under Secretary to the Government of India
Tel No. 2338-8652
Email: gp_png@yahoo.com

Copy for information to:

- 1) Shri Sushil Kumar, Delhi Kerosene Storage Association, B-4/38, Safdarjung enclave,
New Delhi - 110029.

11. The respondent DDA acting on the said letters, issued a No-Objection Certificate to the petitioner, which reads as under:-



2026:DHC:280



2026:DHC:2803



No. F13 (78)85/CRC/DDA

Delhi Development Authority
Commercial Land Branch
'A' Block, 1st Floor, Vikas Sadan,
New Delhi - 110 023.

ANNEXURE P-4 ³⁶

To

Sh. Kanwar Sain
B-53, MK Residency,
Plot No. 8B, Sect. 11, Dwarka,
New Delhi-110076

21/09/16

Sub: No objection Certificate for existing Allotment in your favour on current commercial license basis at Vasant vihar, near DTC Bus Depot, Nelson Mandella Road, Delhi for utilization for sale of ancillary petroleum products as approving by the Ministry of Petroleum and Natural Gas.

D/Sir,

With reference to your letter dated 29.12.15 on the above- mentioned subject, I am directed to convey the approval of the competent authority to issue NOC certificate in respect of site at Vasant vihar, near DTC Bus Depot, Nelson Mandella Road, Delhi allotted on temporarily commercial current license basis for carrying out the business of petroleum products including SKO/LDO/LUBES which are ancillary products like the CNG/LPG etc with the permission of Ministry of Petroleum and Natural Gas with the following conditions:

- Existing allotment is to be utilized for carrying out the business of petroleum product including SKO/LDO/LUBES which were ancillary products like the CNG/LPG etc. on commercial current license fee basis whereas under temporary license fee basis for setting up on existing size of land measuring 20Mx20M
- The allotment is purely on temporarily commercial current license fee basis as may be fixed by the finance department of DDA and to be renewed time to time as per policy of the authority.
- The license fee will be payable yearly in advance.
- The construction of site will be as per approved specifications of Ministry of Petroleum/oil companies
- The above permission shall not be used for any other purposes.
- The permission to sub-letting to IGL/Oil companies of the aforesaid land is permissible as per IGL letter dated 12.9..2016.
- On cancellation of temporarily license, vacant possession shall be handed over to the representative of the Delhi Development Authority.
- A copy of license deed to be executed is will be provided in due course.
- The licensee is required to execute the license deed as and when required by the DDA.
- The above allotment is further subject to completion of other codal formalities, contractual requirements, payment of all outstanding dues as per policy and maintaining license and also Ministry of Petroleum guidelines.

Yours faithfully,

Dy. Director(CL)

Copy to:-

- Under Secretary to Govt. of India, Ministry of Petroleum and Natural Gas, Shastri Bhawan, New Delhi-110001 w.r.t. No.L-16016/7/2016/GP-I, dated 12.9..2016 for Information please.
- The DGM, Marketing, IGL, IGL Bhawan, Plot No.4, Community Center, R.K. Puram, Sector-9, New Delhi for Information and necessary action please.
- AO(CL), DDA for Information and necessary action please.

Dy. Director(CL)



2026:DHC:280



2026:DHC:2803

12. Thereafter, Indraprastha Gas Limited on 18.09.2018 issued a Letter of Intent for setting up CNG station under DODO model, which reads as under:-

ANNEXURE 1-5 igl

INDRAPRASTHA GAS LIMITED
(A Joint Venture of GAIL (India) Ltd., BPCL & Govt. of NCT of Delhi)

IGL/MKTG/CNG/LOI/09-2017/1

18th September, 2017

Shri Kanwar Sain,
Vasant Vihar,
Near Vasant Continental Hotel,
Delhi- 110057

LOI for setting up of CNG station under DODO model.

We refer to your letter dated 5th July 2017 along with the DDA letter dated 21st September 2016 and subsequent discussions, we are pleased to award you the CNG dealership on Dealer owned Dealer operated (DODO) basis at the following site:

Vasant Vihar, Near Vasant Continental Hotel, Delhi-110057.

The main terms and condition of the dealership operation will be as under:

Scope of IGL:

- 1. Gas Supply:** IGL shall supply the gas to the CNG station through pipeline or through the mobile cascades.
- 2. Installation of Equipments:** The CNG equipment's (Compressor/Cascade/Dispenser) shall be installed and commissioned by IGL. Monolith will be provided by IGL. All Fire & Safety related equipments required as per statutory rules/ guidelines are in IGL scope to ensure safety of the equipments.
- 3. Design and Specifications:** The station design including that of building, canopy, signage, pylon (totem), etc. shall be provided by IGL and the dealer shall abide by the same.
- 4. Maintenance of facilities:** All periodic and break down maintenance of CNG equipment will be in the scope of IGL including operation of CNG compressors. IGL will carry out this responsibility either through in-house

IGL Bhawan, Plot No. 4, Community Centre, R.K. Puram, Sector - 9, New Delhi-110 022
Phone : 46074607 Fax : 26171863 Website : www.iglonline.net
CIN : L23201DL1998PLC097614

An ISO 9001:2008, ISO 14001 : 2004, OHSAS 18001 : 2007 Certified Organisation



2026:DHC:280



2026:DHC:2803

38

INDRAPRASTHA GAS LIMITED

resources or through OEMs or hiring a third party with Comprehensive Annual Maintenance Contract including the supply of the spares for the routine and breakdown maintenance of the equipment's such as Compressors, Dispensers, UPS, SCADA, etc.

All monitoring systems (CCTV Camera etc.) and Internet connectivity will be provided by IGL.

- 5. Power:** The cost of power towards running of compressor and its accessories (Air compressor, etc.) and dispenser will be reimbursed by IGL as per policy.

Supervision for safety and to Carry out safety and Technical audit:

IGL shall keep the supervision on the activities carried out at CNG station. IGL would carry out the Safety and technical audit as per schedule and also as and when required. IGL shall have the rights to check the CCTV coverage and also take the recordings for any further investigations if required. IGL can also take live feed of CCTV coverage.

Analysis and Investigation of accident: If any accident occurs in the CNG station, IGL shall investigate the reasons of the accident and shall recommend necessary remedial action.

Scope of Dealer:

1. The dealer shall have name of its firm and will submit all details to IGL within 15 working days from the receipt of LOI i.e. Registration, GST details, PAN number etc.
2. **Bank Guarantee:** You will submit a bank guarantee of value equivalent to 10% cost of compressors, dispensers and cascades as prescribed by IGL, within 10 days of receiving NOC from all the relevant authorities for creating a CNG station at the land allocated by DDA.
3. **Security Deposit:** A demand draft of equivalent to approximate 7 days CNG consumption in favour of "Indraprastha Gas Limited". This is an interest free security deposit, which is to be deposited prior to 15 days from the commencement of CNG operations. Kindly note that based on your CNG consumption pattern, this may be correspondingly increased as and when required. The current amount would be **14 Lacs** only.
4. **Cash Collection:** Cash collection of daily sale has to be deposited in IGL designated bank account on succeeding day 11 AM and MIS to be sent daily to IGL office by 12 noon. The cash will be collected by our authorised bankers.



2026:DHC:280



2026:DHC:2803

INDRAPRASTHA GAS LIMITED

5. **Change in Land Use (CLU):** Land owner (Dealer) shall get the CLU of the land plot at his/her own cost well before the project activities are commenced at the plot.
6. **Construction:** All civil works such as foundations (stations and equipment), canopies, electrical rooms, trenches, driveway, boundary wall, Sales room, signage, pylon (totem), entry / exit signs, hoardings, lightings, etc. are in the scope of the Dealer. Providing and installation of RVI, Facia, Canopy are also in the scope of dealer. The technical details & design of all items shall be provided by the IGL. IGL will coordinate and extend help wherever possible in completion of the same.
7. **Manpower:** All manpower required for the smooth operation of equipment installed at the station and dispensing of CNG to vehicles including for the security of station, housekeeping, Air inflator, etc. shall be arranged by dealer at your own cost. Uniform, shoes, etc. required as per IGL standards shall be in your scope. Dealer would indemnify IGL against all charges, claims/dues etc. arising out of disputes relating to dues and employment of personnel deployed by him. Day to Day operations of CNG station will be in the scope of the dealer.
- All the employees deployed by you at the station shall be employed as per the best industrial practise. Under no circumstances your employees can claim any right of employment with IGL.
8. **Power:** Power connection up to the site main meter has to be arranged by the Dealer. All necessary permissions including deposits, cable charges, connection charges etc. as per the DERC/ State electricity board's norms for obtaining power supply shall be in the scope of the Dealer. If the transformer/ Packaged Sub Station (PSS) and other associated electrical equipment are required for supplying power, then the same shall be in the scope of the Dealer. Power cost towards illumination, AC for office, fan and all the other electrical facilities (Except Compressor and Dispenser related) of the station is in the scope of Dealer.
Power backup in case of electricity failure including procurement and installation of Generator for power backup will be under dealer scope.
9. **Misc. Charges:** All Housekeeping expenses, telephone charges, water Charges; Electrical charges for station (Other than Compressors, dispensers and air compressor) and horticulture expenses, etc. shall be borne by the Dealer.
10. Dealer would ensure the safe operation of the equipment at the station. Dealer to comply with all the Quality of Service Regulations, Technical and Safety regulations of PNGRB, PESO, etc.



2026:DHC:280



2026:DHC:2803

INDRAPRASTHA GAS LIMITED

We are sure you would take necessary steps and make efforts to fulfill all the conditions in discharging your responsibility as an IGL dealer.

This LOI shall remain valid for the period of 15 working days from the date of issue of LOI. After acceptance of the letter of intent, dealer should submit all requisite documents to IGL within a period. In case the documents as described in this LOI are not submitted within 15 working days, this LOI shall be cancelled.

After submission of documents as required, the dealer shall enter into a formal agreement with IGL. The terms and conditions of this LOI shall form part and parcel of the agreement.

Kindly acknowledge the receipt of this LOI duly signed by you as token of your acceptance to the terms and conditions hereof, to enable us to take further steps in the matter.

We wish you all the best.

Yours sincerely,


[PK Pandey]
VP-Marketing

13. The No Objection Certificate for CNG dispensing station at Vasant Vihar was also issued by the Additional Commissioner of police in favour of the petitioner in November, 2017.

14. The respondent issued a show cause notice dated 14.11.2018, to the petitioner alleging violation of clause No. 5 of the No Objection Certificate dated 21.09.2016 which reads as under:-



2026:DHC:280



2026:DHC:2803

**DELHI DEVELOPMENT AUTHORITY
COMMERCIAL LAND BRANCH**

A-Block, 1st Floor, Vikas Sadan,
New Delhi-110023

No.F.13(78)85/CRC/DDA/355

Dated:- 14/11/18

From:- Dy. Director,
Commercial Land

SHOW CAUSE NOTICE

Sub:- Allotment of SKO/LDO Depot Site No.2, Vasant Vihar, New Delhi.

Sir,

WHEREAS SKO/LDO Depot site No.2 at Vasant Vihar Near Priya Cinema was allotted on license fee to Indian Oil Corporation for further distributorship/dealership to Shri Varinder Sharma vide letter dated 08.8.1995 measuring 15 m x 22 m. The site was allotted for the purpose of SKO/LDO storage with the condition that the premises of the storage would not be used for any other purpose.

AND WHEREAS it was requested to convert the SKO/LDO land into direct allotment for storage of LPC/CNG petroleum product use at Vasant Vihar having the consent of IGL. DDA has granted no objection certificate on temporary commercial current license basis for carrying out the business of petroleum products including SKO/LDO/LUBES which are ancillary products like CNG/LPG etc with certain condition as incorporated in the letter No.F.13(78)85/CRC/DDA/1744, dated 21.9.2016. This allotment is purely temporary commercial current license fee basis and the permission shall not be used for any other purpose.

AND WHEREAS it has been noticed that structure constructed on the land with basement, Ground Floor and first floor with encroachment on DDA land and lying vacant and round locked. During site inspection on 05.9.2018 no responsible person was available.

AND now therefore, show cause notice under clause 5 of No objection certificate issued on 21.9.2016 is hereby issued to explain within 30 days from the date of issue of this notice as to why the allotment of plot made on temporary license fee basis should not be cancelled and possession of land should not be take back. If the satisfactory reply is not received within the stipulated time further action will be taken ex-parte on merit without further notice.

Dy. Director
Commercial Land

Shri Kanwar Sain,
B-53, M.K. Residency, Plot No.88,
Sector-11, Dwarka, New Delhi-110076

Copy forwarded :

1. D.G.M. Marketing, IGL, IGL Bhawan, Plot No.4, Community Centre, R.K. Puram, Sector-9, New Delhi with reference to his letter dated 22.8.2016 addressed to M/S Shiv Dayal Singh Oil Co for sending necessary reply in the matter.
2. Chief Divisional, Retail Sales Manager, Indian Oil Corporation Ltd., Marketing Division, Delhi Divisional Office, World Trade Centre, Babar Road, New Delhi-110001 with the reference to his letter No.DDO/SKO/ADITYA dated 26.3.2007 for similar action.
3. M/S Shiv Dayal Singh Oil Co., Plot Enclave, Batasha Wall Gall, Moham Garden, Uttam Nagar, New Delhi-110059.

Dy. Director
Commercial Land



15. The petitioner duly replied to the said show cause notice on 24.01.2019, which reads as under:-

“The Deputy Director

Date: 24.01.2019

Commercial Land

DDA, New Delhi

Sub.: Show cause notice dated 14.11.2018 vide file No. F 13(78)85/CRC DDA at Vasant Vihar, New Delhi-110057

Sir,

With reference to the above show cause notice, we wish to inform you that we are thankful for the conversion of SK/LDO site into direct allotment for storage of LPG/CNG and other Petroleum product use and you have grant us no objection certificate vide your letter No. F.13(78)85/CRC/DDA/1744 dated 21.09.2016.

In this regard we submit the following contents for above site as under:

- 1. Ministry of Petroleum and Natural Gas has recommended us the dealership for CNG on existing land under rehabilitation for Freedom Fighter Category/War Disabled.*
- 2. M/s. Indraprastha Gas Ltd. has allotted us the dealership for CNG Station as per recommendation of Ministry of Petroleum and Natural Gas.*



3. *Additional Commissioner of Police, Delhi has already granted us NOC for CNG Station on the existing land for we have deposited the excess amount of more than 10 lacs upto 31.03.2019 on the above land.*

4. *Further we like to inform you that we have removed the unauthorized construction at the site and has been already demolish.*

5. *Now existing construction is according to explosive department vide their approved plan.*

Therefore, you are requested to withdraw the said notice or allot us alternate site on main road at the nearby the place for CNG Station as per recommendation of Ministry of Petroleum of Natural Gas.

*Yours faithfully,
(Sd/-)*

*M/s. SHIVDAYAL OIL COMPANY
Proprietor
(KANWAR JAIN)”*

16. It is the case of the respondent that the reply of the petitioner was never served upon the respondent. Be that as it may, a detailed speaking order was passed on 06.02.2019, which reads as under:-



2026:DHC:280



2026:DHC:2803

**DELHI DEVELOPMENT AUTHORITY
COMMERCIAL LAND BRANCH**

No.F.13(78)85/CRC/ 132

To

Dated: 6-2-2019

- | | |
|---|--|
| <p>1. The Chief Divisional Retail Sales Manager,
IOCL, Marketing Division Office,
B-53, M.K. Residency,
World Trade Centre, Babar Road,
New Delhi-110023.</p> | <p>2. M/s Shivdayal Singh
Oil Co. through its prop.
Sh. Kanwar Sain,
Plot No.-88, Sector-11,
Dwarka, New Delhi-73.</p> |
|---|--|

Sub: Regarding cancellation of allotment in r/o SKO/LDO Depot site No.2, Vasant Vihar, near DTC Bus Depot, Nelson Mandela Road New Delhi.

Whereas the land for SKO-LDO depot site No.2 at Vasant Vihar, Near Priya Cinema was allotted by DDA on license fee to Indian Oil Corporation Ltd. for further distributorship/dealership to M/s Shivdayal Singh Oil Company measuring 15 m X 22 m, in the year 2013. The site was allotted for the purpose of SKO/LDO storage with the condition that the premises of the storage would not be used for any other purpose.

And, whereas on request of the allottee firm, NOC was issued by DDA vide its 21.09.2016 to use the above SKO/LDO/LUBES land for storage of LPG/CNG petroleum products at the site with the consent of IGL. The NOC dated 21.09.2016 stipulated the condition that, it is purely on temporary license basis for carrying out the above business. Admittedly this was also on purely temporary commercial current license fee basis with the condition that the premises/site shall not be used for any other purpose.

Whereas as per the terms and conditions of the 'NOC' dated 21.09.2016, the construction of the site will be as per approved specification of Ministry of Petroleum/Oil companies. However, it has been noticed during site inspection that structures constructed at the site as basement, ground floor and first floor without the requisite sanctioned from the concerned Civic Agency i.e. SDMC. And also that the licensee encroached on Govt./DDA land.

Whereas, show cause notice No.F.13(78)85/CRC/DDA/355, dated 14.11.2018 was issued to you seeking explanation as to why allotment on temporary license fee basis should not be cancelled due violation of terms and conditions, misuse of site and unauthorized construction on the Govt. Land. However, no reply / response has been received by this branch so far.

The Competent Authority has accorded approval for cancellation of the allotment (on temporary license fee basis including NOC) due to violations of terms and conditions of the allotment as stated above.

It is therefore requested to handover the vacant possession of the land to DDA by 13.02.2019 positively.

Copy to:-

1. OSD to VC, DDA.
2. Chief Engineer South Zone for information.
3. Estate Officer (South West Zone), Vikas Sadan DDA.
4. DD Survey (LD), Vikas Sadan DDA.
5. EE (SZ-Div-3), Nehru Place, New Delhi to take over the possession of the vacant land.
6. DD (Horticulture Div-4), Sheikh Sarai, New Delhi to take over the possession of the vacant land.
7. PS to CLD, DDA.
8. DD Survey (LD), DDA.
9. PS to Chief Engineer (HQ), Vikas Sadan, DDA.

[Signature]
Dy. Director (CL)
6/2/19

[Signature]
Dy. Director (CL)
11/2/19



17. I have heard learned counsels for the parties.

18. A perusal of the show cause notice shows that the respondents had alleged that the petitioner had carried out illegal construction in the basement, ground floor and first floor and encroached on DDA's property. Hence, the show cause notice under clause No. 5 of the No Objection Certificate was issued. The petitioner duly replied to the same and complied with the show cause notice and removed the illegal and unauthorised construction. The case of the petitioner is that even today there is no encroachment on the basement, ground floor and first floor.

19. The perusal of the impugned order shows that the allegation made in the show cause notice has been accepted and consequently the impugned order has been passed.

20. Mr. Kapur, learned counsel for the petitioner, states that the copy of the reply given by the petitioner is duly accompanied by a receipt no. REC/LD/193245 dated 24.01.2019 clearly showing receipt of the reply of the petitioner. In this regard, it is relevant to reproduce the paragraph No. 4 (IV) of the counter affidavit of the respondent filed on 23.09.2019. The same reads as under:-

“4...

IV That the reply filed by the Petitioner on 24.01.2019 was not found satisfactory and unauthorized construction was made on this Site without sanctioned of building plan at the site, in view of the above the Answering Respondent had no option but to cancel the license and restore the land from



the licensee. Cancellation letter was sent to the chief divisional retail sales manager IOCL, and to M/S Shiv Dayal Singh with respect to allotment of SKO/LDO Depot site no. 2, Vasant Vihar near DTC bus Depot, Nelson Mandela Road, New Delhi, vide letter dated 06.02.2019. The copy of the letter dated 06.02.2019 is annexed hereto and marked as ANNEXURE - D.”

21. On the one hand, in the counter affidavit, the respondent states that the reply dated 24.01.2019 was not found satisfactory, while on the other hand in the impugned order in paragraph No. 3, the respondent has categorically stated that no reply has been filed.

22. In view of paragraph No. 4 reproduced above coupled with the receipt bearing No. REC/LD/193245 number clearly leads me to believe that the reply was duly received by the respondent, yet was not considered by the respondent in the speaking order.

23. The order is therefore liable to be set aside on violation of principles of natural justice alone. However, since the petition has been pending for more than six years, I am also inclined to decide the impugned order on merits as well.

24. The admitted case of the petitioner is that there is no illegal and unauthorised construction or encroachment on public land. The respondent in the show cause notice as well as in the impugned order has not stated the details of any encroachment except a simple bald averment. The purpose of show cause notice is to inform the party of the allegations of violation



against the party concerned so that the due response to the said allegations may be given.

25. The show cause notice is cryptic and does not deal in detail as to what the nature or extent or the details of encroachment. The action of the respondents vitiates the foundational principles of natural justice. A show cause notice is not a mere empty formality. It constitutes the very basis of the proceedings and delineates the scope within which the inquiry has to be conducted and action has to be taken. A person must be put to notice about the specific allegations against him so as to grant him adequate opportunity to respond to such allegations. The same was also held in ***Gorkha Security Services v. Govt. (NCT of Delhi), (2014) 9 SCC 105.***

“Contents of the show-cause notice

21. The central issue, however, pertains to the requirement of stating the action which is proposed to be taken. The fundamental purpose behind the serving of show-cause notice is to make the noticee understand the precise case set up against him which he has to meet. This would require the statement of imputations detailing out the alleged breaches and defaults he has committed, so that he gets an opportunity to rebut the same. Another requirement, according to us, is the nature of action which is proposed to be taken for such a breach. That should also be stated so that the noticee is able to point out that proposed action is not warranted in the given case, even if the



defaults/breaches complained of are not satisfactorily explained. When it comes to blacklisting, this requirement becomes all the more imperative, having regard to the fact that it is harshest possible action.

22. The High Court has simply stated that the purpose of show-cause notice is primarily to enable the noticee to meet the grounds on which the action is proposed against him. No doubt, the High Court is justified to this extent. However, it is equally important to mention as to what would be the consequence if the notice does not satisfactorily meet the grounds on which an action is proposed. To put it otherwise, we are of the opinion that in order to fulfil the requirements of principles of natural justice, a show-cause notice should meet the following two requirements viz:

(i) The material/grounds to be stated which according to the department necessitates an action;

(ii) Particular penalty/action which is proposed to be taken. It is this second requirement which the High Court has failed to omit.

We may hasten to add that even if it is not specifically mentioned in the show-cause notice but it can clearly and safely be discerned from the reading thereof, that would be sufficient to meet this requirement.”



26. Thus, I am of the view that show cause notice and termination letter is violative of principles of natural justice and cryptic and devoid of any detail. As already discussed, there are no particulars of the alleged encroachment on public land. The illegal construction was already demolished pursuant to the show cause notice. Consequently, the W.P. (C) 1914/2019 is allowed and the show cause notice dated 14.11.2018 and impugned order dated 06.02.2019/07.02.2019 is set aside.

27. This leads me to adjudicate the W.P.(C) 3902/2023 which is for quashing of impugned order dated 19.01.2023. Admittedly the plot in question is part of the district park and cannot be used for the CNG station. The relevant portion of the counter affidavit filed by the respondent in WP(C) 3902/2023 reads as under:-

“3. That before adverting to the merits of the petition, the Respondent raises the following preliminary objections.....

b. That the petition deserves outright dismissal as the petitioner is conceited attempt to grab public land. The above inferences/ mischievous intention get established in the light of comments of the Planning Department on permissibility of setting up CNG station at the site in question. Provision 12.13 of MPD- 2021 clearly stipulates that CNG station may be permitted in all use zones except in 'Regional Park Ridge', developed district parks and Zone 'O'. Landscape Department of the Respondent has clearly observed that the site falls within Basant Lok Park, and as



2026:DHC:280



2026:DHC:2803

such setting up a CNG station is not feasible/permissible under the MPD 2021....

4. That the following background of facts are crucial for the just adjudication of the matter.....

c. It is respectfully submitted that the petitioner obtained NOC for setting up of CNG station in the guise of sale of ancillary petroleum products to circumvent the rigours placed by the MPD-2021 for setting up of a CNG station. Pertinently, on permissibility of setting up CNG station at the above site in question, it is necessary to examine provision 12.13 of MPD- 2021 which clearly stipulates that CNG station may be permitted in all use zones except in 'Regional Park Ridge', developed district parks and Zone 'O'. the Landscape Department of the Respondent No. 1 /DDA has clearly observed that the site falls within Basant Lok Park, and thus setting up a CNG station is not feasible/permissible in the said area."

28. The operative portion of the impugned order dated 19.01.2023 reads as under:-



2026:DHC:280



2026:DHC:2803

And whereas DDA has adopted a resettlement policy vide its Authority Agenda 33/2003 which is intended to provide relief in terms of allotment of land to those licensee of **petrol pump sites and gas godown sites**. Admittedly, case of the petitioner doesn't fall within the purview of the aforesaid policy because of two reasons; first, the policy applies to licensee of petrol pump & gas godown sites; secondly it is applicable in respect of those sites which are operational and got affected by any Planned Development of Delhi resulting into closing down of the business. Both the above elements are lacking in the case of the petitioner who obtained NOC for CNG in the *guise of sale of ancillary petroleum products*. Given the above facts and circumstances, the competent authority vide order dt. 06.02.2019 had rightly terminated the license of the site due to violation of the terms and conditions of the License and the above facts.

In the light of aforesaid facts and circumstances request of the petitioner for allotment of an alternate site for CNG in lieu of SKO/LDO (Kerosene Depot) depot site no. 2 at Vasant Vihar near Priya Cinema whose license was terminated on 06.02.2019 by the Competent Authority, is hereby rejected.

Since the license of the petitioner already got terminated, his possession on the site be termed as unauthorized occupant. Estate Officer of DDA is hereby requested to initiate Eviction Proceedings under relevant provisions of PP Act 1971.

The representation of the petitioner is disposed off in the above terms.

29. The order of 19.01.2023, rejecting the entitlement of the petitioner for consideration of alternate site is predicated on two aspects.

- a) The petitioner has to be a licensee of a petrol pump and gas godown site and
- b) The policy is applicable to those sites which are operational and got affected by Planned Development of Delhi resulting in closing of the business.

30. For the reasons as given in WP(C) 1914/2019, I have returned a



finding that the license of the petitioner has wrongly been terminated and hence, the first condition of the policy stands satisfied.

31. Since the licensee was wrongly cancelled, the site of the petitioner would have to be considered as operational and which has got affected by declaring his site as district part. Hence, condition No. 2 for the said policy to be applicable is also fulfilled. Consequently, the impugned order dated 19.01.2023 cannot be sustained.

32. Accordingly, the petition is allowed and the respondent is directed to consider the case of the petitioner afresh, as to my mind the petitioner, *prima facie*, meets the criteria for allotment. The necessary orders shall be passed expeditiously and, in any case, not later than eight weeks from the date of release of this order. The case of the petitioner shall be considered as per extant rules.

33. The cancellation of allotment granted to the petitioner has been stayed *vide* order dated 26.02.2019. The said order shall continue till the case of the petitioner is considered and a speaking order is passed and for a period of one week thereafter.

34. The respondent shall also file an affidavit that once the possession of the plot in question is taken over it shall be the responsibility of the DDA to maintain the park.

35. The petitions are disposed of in aforesaid terms.

JASMEET SINGH, J

MARCH 24, 2026/NG
(Corrected and released on 03.04.2026)