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

+ **W.P.(C) 9037/2007**

NAVJEEVAN ASSOCIATES PRIVATE
LIMITED

..... Petitioner

Through Mr Parag Tripathy, Senior Advocate
along with Ms Itisharma, Mishika Bajpai,
Mr Ashish Virmani, Advocates.

versus

UOI & ORS

..... Respondents

Through Mr Anil Soni, CGSC with Mr Priyanka
Singh, Advocates for Respondent No. 1/UOI.
Mr Rajiv Bansal, Senior Advocate with Ms Pallavi
Shali, Advocate for DDA.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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19.01.2018

1. After some arguments, it appears that the principal controversy to be addressed is whether in cases of lease/sub-lease to a company, transfer by way of a transfer of shares (out of blood relations) by the principal shareholders would attract the levy of unearned increase independent and irrespective of the charges payable under the conversion policy. According to Mr Rajiv Bansal, Senior Advocate appearing for the DDA, DDA has charged unearned increase in all cases of such transfers by sale of shares (out of blood relations) prior to or as condition of conversion from lease hold to free hold in addition to conversion charges.



2. According to him, the conversion policy only contemplates a surcharge in case of sale by General Powers of Attorney, Wills, Agreement to Sell, etc. and not on transfer by sale of shares. In other words, in case there has been a transfer of sale of shares, the DDA would collect unearned increase in addition to any charges that may be paid for conversion of the said property. The DDA shall file an affidavit to the aforesaid effect specifically affirming that there is no case where the aforesaid practice has not been followed. Further, DDA shall also give instances of cases where unearned increase on transfer or deemed transfer for sale of shares (out of blood relations) has been collected in addition to the conversion charges as is sought to be imposed on the petitioner. The affidavit be filed before the next date of hearing.

3. List on 31.01.2018.

4. Order *dasti* under the signature of Court Master.

VIBHU BAKHRU, J

JANUARY 19, 2018

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