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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 P. Tripathi, Sr. Advocate with Mr Iti Sharma, Mr Ashish Virmani and Ms Mishika Bajpai, Advocates.

versus

UOI & ORS ..... Respondents

Through: Mr Anil Soni, CGSC with Mr Nivesh Sharma, Advocates for R-1/UOI.
Ms Pallavi Shali, Advocate for Mr Rajiv Bansal, Sr. Advocate for DDA/R-2.

CORAM:
HON'BLE MR. JUSTICE VIBHU BAKHRU

O R D E R

% 31.01.2018

1. Learned counsel for the respondents states that the affidavit has been filed in compliance with the orders passed by this Court on 19.01.2018. However, the same is not on record since it was filed only late yesterday.

2. The learned counsel for the petitioner has handed over the copy of the said affidavit. The same indicates that DDA has not addressed the specific issues that were required to be addressed as directed by the order dated 19.01.2018. Although, it is stated that unearned increase has been charged in certain cases where transfers were affected by sale of shares (out of blood relations), DDA has not specifically affirmed whether in those cases

unearned increase was paid in addition to the conversion charges. It would also be relevant for the DDA to state whether any unearned increase had been collected at the time when the applicant(s) had applied for conversion of the property. Clearly, in cases where unearned increase was charged for past transfers and the transferee had subsequently applied for conversion, the applicant would have to pay the necessary conversion charges and it would not be open for the applicant to claim adjustment of the unearned increase paid earlier. That is also not the question in this petition. Therefore, the DDA would have to specifically affirm whether it had in any case collected unearned increase and conversion charges at the time when an applicant had applied for conversion of property from leasehold to free hold on the ground that the earlier transfer was not by will, agreement to sell but by transfer of shares of the entity holding the rights to the property. DDA was further directed to affirm that this was the procedure adopted consistently in all cases. In other words, there were no cases where only conversion charges had been collected in respect of a property even though in the past, the property had been transferred by transfer of shares of a company holding the rights in the property.

3. DDA is permitted to withdraw the affidavit already filed and file a fresh affidavit clearly providing the information as sought for.

4. List on 16.02.2018.

5. Order *dasti*.

VIBHU BAKHRU, J

JANUARY 31, 2018
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