

# JUSTICE VIKRAMAJIT SEN

Former Judge of the Supreme Court of India

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## PROCEDURAL ORDER NO. 11 DATED 14-12-2016

Okhla Enclave Plot Holders Welfare Association & Ors.

Petitioners

Versus

Union of India & Ors.

Respondents

Present:

Shri Piyush Sharma, Advocate and Shri M.P. Pandey General Secretary of Okhla Enclave Plot Owners Welfare Association (Regd).

Shri Sudarshan Rajan, Shri Ghanshyam Bhati and Shri Karanjot Singh Mainee, Advocates with Mr. Kishorilal for Durga Builders Plot Holders Welfare Association (Regd).

Shri. Keshav. V. Hegde, Advocate for Durga Builders Plot Booking Holders Forum.

Shri. Vikrant Yadav, Advocate for Ritu Budhiraj & Ors.

Shri. Shivam Garg and Shri. Soumyajit Pani, Advocates for JK Kalra & Ors.

Dr. Monika Gusain, Advocate on Record alongwith Shri Karunesh Kumar Shukla, Advocate for the State of Haryana with Shri Anil Dabas, DTP Haryana and Pawan Gupta J.E

Shri. Mohit Chaudhary and Shri Nitin Mishra, Advocates for Durga Builders Private Limited.

Shri. Rahul Malhotra and Varun Garg, Advocates for Okhla General Plot Holders Welfare Association.

Shri Rajat Agnihotri, Advocate for Mrs. Usha Khattar & Ors.

1. In the previous order dated 26-11-2016, para 5 recites as-

*“The Office of the DTCP will further provide a list within 7 days of the 537 allottees who petitioned before the Hon’ble Punjab & Hararyana High Court by way of Writ. In view of the order in SLP (C) No. 3311/2001, their claim for allotment has also attained finality.”*

The Counsels have informed the Tribunal that the numbers of allottees mentioned therein should be 567 and not 537. Also, in place of SLP (C) No. 3311/2001, it should be CWP 3311/2001, Punjab & Hararyana High Court.

Para No. 5 of the order dated 26-11-2015 will thus be read as under –

*“The Office of the DTCP will further provide a list within 7 days of the 567 allottees who petitioned before the Hon’ble Punjab & Hararyana High Court by way of Writ. In view of the order in CWP -3311/2001 dated 18-03-2002, their claim for allotment has also attained finality.”*

2. Shri Mohit Chaudhary has moved an application to strike down the words *“their claim for allotment has also attained finality’* from para 5 of the previous order dated 26-11-2015. He submits that the claim of allotment of the 567 petitioners before the Punjab & Hararyana High Court in CWP

3311/2001 has not attained finality and thus, the conclusion regarding attainment of finality of claim has been erroneously drawn by this Tribunal. He further submits that vide order dated 19.05.2005, passed in CM No. 2971/2005 in CWP No. 3311/2001 passed by the High Court of Punjab & Haryana, at Chandigarh what has been observed is that the claims of the petitioners (567) be checked by the office of DTCP and nothing more.

The submission made by Shri Chaudhary appears to be incorrect as in the order dated 18-03-2002, Hon'ble Punjab & Hararyana High Court had categorically concluded that *“to our mind, they (petitioners therein) having deposited full amount claimed from them well in time must at least get the treatment given to the petitioners in Writ Petition Nos. 113,477,876 and 792 of 1996. For the foregoing reasons, we allow the Writ Petition, quash the order, Annexure P-15, dated 18-10-2002 and issue a direction that the petitioners will be treated at par with the Writ Petitioners before the Hon'ble Supreme Court.”*

The application is dismissed.

3. The Tribunal directs the Committee to consider the applications/representations made by the members of the Plot Owners' Associations which are before this Tribunal on a priority basis.
4. The Tribunal also directs the Committee to meet atleast 3 times a week and consider atleast 100 representations per week. The Tribunal further directs the Committee to submit a brief Status Report apprising this Tribunal about the status of the scrutiny process.
5. Mr. Keshav Hegde, Counsel for Durga Builders Plot Booking Holders Forum has submitted that his clients have withdrawn claims made before

various Consumer Forums and thus their claims will be considered by this Tribunal.

6. The Tribunal shall next assemble on 04-02-2017 at 2.00 PM.

Justice (Retd.) Vikramajit Sen