

BEFORE JUSTICE (RETD.) VIKRAMAJIT SEN
THE SOLE ARBITRAL TRIBUNAL

In the matter of:

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, Advocate with Mr. Kishorilal for Durga Builders Plot Holders Welfare Association (Regd).

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

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

Shri Rajat Agnihotri & Mr. Suman Lata Katiyar, Advocate for Mrs. Usha Khattar & Ors

Shri. Shivam Garg, Advocate for JK Kalra & Ors.

Dr. Monika Gusain, Advocate on Record, Advocate for the State of Haryana with Pawan Gupta J.E

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

PROCEDURAL ORDER NO. 13
DATED 01-04-2017

1. The parties have made an oral request as per Section 29A of the Arbitration & Conciliation Act, 1996 to extend the time period for the current proceedings by 6 months. The same is allowed.

2. Dr. Monika Gussain has informed this Tribunal that so far 2250 applications have been received in the NPNL category. Out of the said applicants, 1310 applicants have attended the scrutiny meetings so far. Mr. Pawan Kumar, JE has requested for a period of two months to complete the scrutiny process and thereafter to collate and organize the data collected so that it can be presented before this Tribunal. The Tribunal directs the Scrutiny Committee to complete the process of scrutiny of applications of the NPNL category and thereafter submit a detailed Report with the data collected within 2 months from today.

3. The parties jointly have appreciated the efforts of Mr. N.S. Chauhan (STP Haryana), Mr. Anil Dabas (DTP Haryana) and Mr. Pawan Gupta (JE) for conducting the process of scrutiny with utmost efficiency. This Tribunal conveys its appreciation to the said Officers. However, it has been brought to the notice of this Tribunal that despite directions passed by this Tribunal vide Order dated 03-09-2016, the Deputy Commissioner, Faridabad has not been participating in the process of scrutiny. The Tribunal hereby directs the Deputy Commissioner, Faridabad to show-cause within 4 weeks from today, as to why he is not cooperating in the scrutiny process given that his participation is imperative to verify the land and the registry records.

4. The Tribunal also directs the DTCP Haryana to file a Status Report on the scrutiny process conducted thus far within 4 weeks from today.
5. Mr. Piyush Sharma has informed the Tribunal that unauthorized construction is rampant, especially in Phase II of the Project land. A Police Complaint dated 23-03-2017 has been filed with PS Palla, Sehatpur Road along with the photographs of the unauthorized construction and a copy of the same has been provided to this Tribunal.
6. Mr. Mohit Chaudhary has pointed out that vide Order dated 17-07-2013 in W.P. (C) No. 876 of 1996, titled '*Okhla Enclave Plot Holders Welfare Association Versus Union of India & Others*', the Hon'ble Supreme Court had held as follows-
"DGT&CP Haryana be directed to take over the available licensed area as indicated in his affidavit and retain it in his custody to facilitate the process of allotment till further orders. He shall be responsible for watch and ward, care and custody of this property and will be its custodian till the dispute is resolved."
He submits that given the land has been placed under the care of DGT&CP Haryana, it is their duty to remove and control the encroachments on the project land.
7. Mr. Piyush Sharma then submitted that a complaint in this regard has already been forwarded to DTCP Haryana who directed the complainant to approach the Enforcement Cell.
8. This Tribunal is of the view that the issue of encroachment on the Project land has to be stringently dealt with to avoid these proceedings from becoming ineffective and infructuous. The Tribunal hereby directs the

DTCP Haryana as well as the DTP Enforcement to submit an 'Action Taken Report' apprising the Tribunal on the steps taken regarding removal of encroachment. The Tribunal further directs the DTP, Enforcement, Faridabad to be present before this Tribunal on the next date of hearing.

9. The Tribunal also directs SHO Palla, Sehatpur Road to submit a Status Report regarding the steps taken in pursuance of the Police Complaint dated 23-03-2017 within 4 weeks from today.
10. The Tribunal shall next assemble on 26-05-2017 at 4 PM.

Justice (Retd.) Vikramajit Sen
Sole Arbitator

Copy to -

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4. Commissioner of Police, Faridabad - cpfbd@hry.nic.in
5. SHO Palla, Sehatpur Road