

PROCEDURAL ORDER NO. 14
DATED 26-05-2017

1. The Tribunal is in receipt of the Action Taken Report dated 24-05-2017 on behalf of the Director, Town & Planning, Haryana, Chandigarh and DTP, Enforcement with respect to removal of unauthorized construction in the Project land in compliance of the previous Order of this Tribunal dated 01-04-2017. It has been stated that a Security Agency has been hired to look over the Project land to ensure that no unauthorized constructions crop up on the Project land. Moreover, demolition drives are being conducted on a regular basis to remove all such encroachments and a close watch is being kept so that no unauthorized construction develops on the site.
2. This Tribunal as well as all present in the hearing lauds the efforts of the Director, Town & Planning and DTP, Enforcement as well as their teams for their commendable effort in keeping the Project land free of encroachment.
3. It is regrettably noted that despite directions vide last Order dated 01-04-2017, there is no communication or representation from the Office of DC, Faridabad. However, Mr. Dabas submits that he is in touch with the Office of the DC and has assured this Tribunal that they will assist the Scrutiny Committee in every manner possible. On the assurances given by Mr. Dabas, this Tribunal reluctantly withholds reporting the conduct of the Office of the DC to the Hon'ble Supreme Court.
4. The Tribunal is also in receipt of 'Status Report on the Scrutiny Process' dated 25-05-2017 on behalf of the DTP, Faridabad in compliance of the previous Order of this Tribunal dated 01-04-2017. It has been stated that

the process of scrutiny of the applications received in the NPNL category is near completion. However, the Committee seeks extension of time by two months for scrutiny of balance claims and finalizing the Verification Report. The Tribunal directs that Committee to complete the process of verification and submit the Verification Report on or before 31-07-2017.

5. A clarification has also been sought from this Tribunal regarding verification of claims/applications (around 250 till date) which have been filed beyond the cut-off date of 16-09-2016. Though the representatives of the participating Plot Holders' Associations have requested Tribunal to allow scrutiny of such late applicants and in turn consider their claims, it is important to be borne in mind that the process of scrutiny has already lasted more than 9 months. Moreover, as informed by Mr. Dabas that applications/claims are trickling in their office till date. In such circumstances, if the Tribunal directs that Committee to consider these 250 late applicants, then there is no reason for not considering the applicants who may choose to apply today or any date thereafter. This will unfortunately make the process of scrutiny open ended. It cannot be lost sight of here that the process of scrutiny of claims is only the tip of the iceberg as the actual task assigned to this Tribunal is to allot plots to the rightful allottees. In view of the same, this Tribunal is of the view that the applications/claims received beyond the cut-off date will not be considered at this stage.
6. A representation/ application dated 03-05-2017 has been received by this Tribunal on behalf of one Okhla Enclave Pot Holders (Allottees) Forum. It has been stated this representation has been submitted in pursuance of Order dated 05-04-2017 passed by the Hon'ble High Court of Punjab & Haryana in COCP No. 17 of 2009 wherein the applicants (Petitioner

therein) were directed to '*appear before this Tribunal or the Committee constituted by it to put – forth their claims for verification & satisfaction*'. Vide this representation, the applicant Forum has prayed that they may be given physical possession of the plots on a priority basis. However, it has been pointed out by Mr. Dabas that the Mr. Rakesh Verma, the President of this Allottees Forum has refused to get the claims/documents of its members scrutinized by the Scrutiny Committee in view of the previous Orders dated 14-12-2016 of this Tribunal. It is noted that despite being aware about today's proceedings, no appearance has been entered on behalf of this Allottees Forum to explain reasons for not submitting to the Scrutiny Committee despite there being specific directions of the Hon'ble High Court of Punjab & Haryana vide Order dated 05-04-2017. This conduct tantamounts to contempt of Court. However, in the interest of justice, this Tribunal disposes off the representation/application dated 03-05-2017 with the direction that the applicants must approach the Scrutiny Committee and submit proof of their identity, entitlement and an Affidavit stating that these applicants have not created third party interests with respect to their claim as well as any other document(s)/clarification(s) that the Scrutiny Committee so directs, by 15-06-2017. It is to be noted that even though their claims have attained finality, yet it is important to verify these claims with respect to their identity, multiplicity, payment of dues etc.

7. Mr. Kishori Lal has undertaken to submit a list of all pending litigations in various District Courts which are within his knowledge to Mr. Nitin Mishra to ensure that the builder/colonizer enters appearance in all such matters.

8. After discussion with all present, it has been decided that the all parties herein shall jointly move an application for necessary clarification/extension of time before Hon'ble Supreme Court in W.P.(C) No. 876/1996 with respect to Order dated 27-01-2016 wherein the Hon'ble Apex Court was pleased to direct this Tribunal to finish its proceedings and submit a report to the Court within nine months. The parties as well as this Tribunal is of the view that given the monumental task of verification and allotment of plots, the scope of work assigned to this Tribunal is wider and more time intensive than that in an arbitral reference. Hence, the Hon'ble Apex Court may be pleased to direct accordingly.

9. The Tribunal shall next assemble on 04-08-2017 at 4.30 PM.

Justice (Retd.) Vikramajit Sen