

**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 with Shri M.P. Pandey, General Secretary of Okhla Enclave Plot Owners Welfare Association (Regd).

Shri Sudarshan Rajan, Advocate with Shri Kishori Lal, Secretary of Durga Builders Plot Holders Welfare Association (Regd).

Shri Varun Garg, Advocate for Durga General Plot Holders Welfare Association.

Shri Shivom Garg and Shri Ramashankar, Advocates for Shri JK Kalra & Ors.

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

Shri Vikrant Yadav, Advocate

Shri Vishal Arun, Advocate with Shri Mohd. Shahid Hussain and Shri Murari Lal for Okhla Enclave Joint Action Committee

Dr. Monika Gusain, Advocate on Record, Advocate for the State of Haryana with Shri Anil Dabas, DTP(P), Faridabad and Shri. N.S. Chauhan (Senior Town Planner), Faridabad.

Shri Nitin Mishra, Shri Gaurav Kumar, Shri Satvik Varma and Shri Lautaksh Joshi, Advocates for Durga Builders Private Limited.

**PROCEDURAL ORDER NO. 17**  
**DATED 23<sup>rd</sup> December 2017**

1. The Learned Counsels for the Parties have handed over the Order dated 8<sup>th</sup> December 2017 passed by the Hon'ble Supreme Court of India in Writ Petition (Civil) 876 of 1999. The Hon'ble Supreme Court pleased to grant extension of time for these proceedings up to 31<sup>st</sup> July 2018. (*Note: In view of the Order dated 06-02-2018 extending the term of the Tribunal till 31-03-2019, these Orders are being passed now.*)
2. Dr. Monika Gussain has submitted before the Tribunal that the office of Town & Country Planning, Faridabad has received over 150 applications seeking amendment in the Report dated 28<sup>th</sup> October 2017. It was further pointed out by Dr. Gussain that most of these applications seek correction of typographical errors in the Report. In view of the aforesaid, the Tribunal directs the Office of Town & Country Planning, Faridabad to accept all such applications which seek correction of minor typographical errors in the Report and make such minor changes in the Report. The corrected Report should be uploaded on the website by 5<sup>th</sup> January 2018.
3. However, it is made clear that fresh applications seeking factual and material changes in the Report would not be entertained by the Office of Town & Country Planning, Faridabad at this stage.

4. It has been pointed out that there are some names/applicants (15 in total) who have not been included in the Report dated 28<sup>th</sup> October 2017 even though the said applicants had submitted their applications within the cut-off date. The Scrutiny Committee is directed to examine/scrutinize their applications and upload their case as a corrigendum to the Report dated 28<sup>th</sup> October 2017, by 5<sup>th</sup> January 2018.
5. In compliance of the previous Order, the Builder has proposed a scheme for development of the Plot area. As per the proposed scheme, the Builder has suggested three alternate plans for developing the plot area/refund. The Builder is directed to share copies of the proposed scheme with all the Parties herein for their perusal and comments. The Parties have decided that they will assemble in the Office of the STP, Faridabad on 12<sup>th</sup> January 2018 at 3:00 pm to deliberate on the proposed scheme. Thereafter, the Parties shall prepare a concise note of their deliberations/suggestions and present the same to this Tribunal before the next day of hearing.
6. The Learned Counsel for Durga Builders has brought to the attention of this Tribunal that plot land is under encroachment. However, upon further enquiry, the Learned Counsel was unable to give specific details of the encroachment. The Tribunal has reiterated on numerous occasions that any encroachment on the plot land can render these proceedings ineffective. Hence, the Tribunal directs the DTCP Haryana as well as the DTP Enforcement to submit details of the encroachments (like photographs etc.) to the Tribunal within 5 days and further submit an 'Action Taken Report' apprising the Tribunal on the steps taken regarding removal of encroachment.

7. The Learned Counsel for Durga Builders has further submitted that the physical survey of the land could not be undertaken as the process was thwarted by certain local persons in the area. The Learned Counsel has submitted that the representatives of the Builder were physically assaulted by some local persons when they proceeded to complete the survey of the land. In view of the same, it was suggested by the Learned Counsel for the Builders that a 'technological survey' be conducted of the area. However, this proposition was vehemently opposed by all the Claimants. The Tribunal directs the Parties to amicably decide on the methodology to conduct the survey of the plot land. It is directed that the survey shall be concluded within 2 months.
8. The Tribunal shall next assemble on 23-02-2018 at 11 AM.



Justice (Retd.) Vikramajit Sen  
Sole Arbitator

Copy to -

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