

JUSTICE VIKRAMAJIT SEN

Former Judge of the Supreme Court of India

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PROCEDURAL ORDER No 7 DATED 23-07-2016

Okhla Enclave Plot Holders Welfare Association & Ors. ...Petitioners

Versus

Union of India & Ors.

... Respondents

Present: Shri Mohit Chaudhary, Shri Nitin Mishra and Ms. Damini Chawla
Advocates for Durga Builders Private Limited

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

Shri Sanjay Jain Advocate, and Shri Kishori Lal Office Bearer of
Durga Builders Plot Holders Welfare Associations (Regd.)

Shri Rahul Malhotra and Tanuj Arora Advocates of Durga General
Plot Holders Welfare Association

Dr. Monika Gusain, Advocate-on-Record for the State of Haryana
with Shri Anil Dabas, DTP Haryana; Shri Nirmal Chand, DGTP
Haryana and Shri Pawan Gupta J.E.

Shri Keshav Hegde Advocate for Durga Builders Plot Booking Holders Forum

1. A topographical survey has been reported to have been carried out by the Builder through Sakshi Project Consultancy, as per which maps have been prepared for Phase I and Phase II lands. These maps indicate that the total vacant land available at Phase I is 124.529 acres and at Phase II is 50.422 acres. This is disputed by Mr. Anil Dabas who submits that as per the Government Revenue Records the available vacant land in Phase II is less than 50.422 acres i.e. around 45 acres only. He further submits that the area admeasuring 4.891 acres marked as encroached area in the map presented by the Builder is also vacant. He also points out that some allottees have constructed boundary walls in the said area but the same has been done as per the permission granted by the Hon'ble Court.

In view of the aforementioned fact, it is directed that status quo be maintained with respect to the said area admeasuring 4.891 acres (shown on the upper right hand side corner of the Map for Phase II) from this point forward. Further, any new construction in the said area will only be undertaken after getting written permission/clearance from this Tribunal, which shall receive the advice of the District Planning Committee if found necessary.

2. After much deliberation, it has been further decided that to undertake allotment it is imperative that a list of eligible allottees is first drawn up as it appears that in a lot of cases, multiple Sale Deeds or Agreements have been wrongfully and illegally executed on the basis of a single allotment. In such

circumstances, it has been agreed that the DGTP along with a representative from the Builder and a representative from the concerned Association will invite representations/applications along with the allotment documents from all the claimants/allottees and will examine and scrutinize these applications, as per all the existing rules and guidelines, to identify genuine allottees and prune out the cases of wrongful/multiple allotments. For carrying out the said exercise, the Builder has suggested a Proforma according to which the representations can be examined to decide eligibility, which has been accepted by the DGTP and the Associations. However, the parties are at liberty to modify the said Proforma.

3. As there are three categories of allotments made, namely, the EWS, General and NPNL, it has also been decided that the said exercise for deciding eligible allottees will be started with the NPNL category. It is made clear that this exercise for the NPNL category will not, in any way, disregard the allotment made for the other two categories.
4. The Directorate General of Town Planning, Chandigarh shall issue a State level advertisement inviting representations from all parties along with the documents supporting their allotment in the NPNL category. Such applications and representations are to be made in the Office of Senior Town Planner, Sector 12, Faridabad, HUDA Complex within 4 weeks from the date of publication of the advertisement. The advertisement will be published on in Punjab Kesari and Tribune within four weeks.
5. It is decided that, meanwhile, the DGPT along with the Associations will commence examining and scrutinizing the representations of the parties which are present before this Tribunal from 01-08-2016 at 10-30 am.
6. The DGTP, after the scrutiny and examination, shall submit a List of the Eligible Allottees before this Tribunal. If the process appears to take longer

than 4 weeks, then the time period can be extended. The Committee will also submit an Interim Report on the occasion when this Tribunal next assembles.

7. The Builder has been provided with a list of 61 litigations filed by certain allottees, currently pending against them in the Faridabad Court. The Builder has requested the DGTP to make available the paper-books of the said litigations at the Builders expense. The Tribunal directs the Directorate to make available the paper-books of the said litigations to the Builder, the expenses of which will be borne by the Builder.
8. The advocate for the Builder has also informed this Tribunal that the survey of the encroachments in the area is currently underway and will be completed soon.
9. The Tribunal will next assemble on 03.09.2016 at 10.30 am.

Justice (Retd.) Vikramajit Sen