

Sohan Lal and Co. and others

Vs

Lt Governor of Delhi and others

Civil Appeals Nos. 392 and 393 of 1979

(K. Jagannatha Shetty, Yogeshwar Dayal JJ)

10.04.1991

JUDGMENT

1. In 1967, initially, the appellants were allotted 605 sq. yards each as industrial sites by the Delhi Development Authority. The price demanded thereon was Rs. 20/- per sq. yard. The appellants were not satisfied with the extent of land allotted. They asked for more. On February 5, 1970, the appellants in Civil Appeal No. 392 were allotted 2020 sq. yards while appellants in Civil Appeal No. 393 were allotted 2420 sq. yards. By the time the latter allotment was made, the rate for the land was enhanced from Rs. 20/- per sq. yard to Rs. 57/- per sq. yard. The appellants, however, were not asked to pay at the enhanced rate for the entire site, but they were given concession to pay at the rate of Rs. 20/- per sq. yard for 605 sq. yards and for the remaining area, they were asked to pay at the rate of Rs. 57/- per sq. yard. In spite of this concession, the appellants approached the Delhi High Court demanding that they were obliged to pay only at the rate of Rs. 20/- per sq. yard for the entire extent of land allotted to them. The High Court did not accept their claim.

2. In these appeals, we have heard senior counsel Mr. Narasimhamurthy for the appellants and Mr. Kapil Sibal for the Delhi Development Authority. It seems to us that the claim of the appellants is wholly misconceived. The actual allotment of the industrial sites were made to the appellants on February 5, 1970 and they took possession only on December 9, 1970. The rate prevalent on that date was Rs. 57/- per sq. yard. In fact, the DDA would have been justified in demanding the rate of Rs. 57 for the entire extent of land allotted. The DDA, however, gave the concession which has been unduly taken advantage of by the appellants for these litigations. We do not think that the claim of the appellants is either justified in law or in equity. They have been given concession which they were not legitimately entitled to. They had not taken possession of 6051 sq. yards in 1967 when it was allotted to them. The possession of the land continued with the DDA till it was delivered to the appellants on September 12, 1970. We, therefore, do not see any merit in these appeals.

3. Before parting with the case, we have to make a further order. This Court on February 12, 1979, has stayed the recovery of the balance of price claimed by the DDA. It may be stated that the appellants have paid only at the rate of Rs. 22/- per sq. yard. The balance at the rate of Rs. 35/- per sq. yard remains payable. This Court has stayed the recovery of that balance upon furnishing the bank guarantee. The appellants have the benefit of the money due and payable to the DDA. The appellants, therefore, shall pay interest at 10% (ten per cent) on the said amount from the date it was due till payment.

4. In terms of the foregoing directions, the appeals stand dismissed with no order as to costs.

Appeal dismissed.

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