

# Wavel Investments Private Limited vs Union Of India & Ors on 21 March, 2018

**Author: Rajiv Shakdher**

**Bench: Rajiv Shakdher**

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\* IN THE HIGH COURT OF DELHI AT NEW DELHI  
+ W.P.(C) 2751/2018 & CM No.11188/2018  
WAVEL INVESTMENTS PRIVATE LIMITED ..... Petitioner  
Through: Mr. Subhash C. Jindal, Adv.

versus

UNION OF INDIA & ORS ..... Respondent  
Through: Mr. Vikas Mahajan, CGSC with  
Mr. Shyam Sundar Rai, Adv.

CORAM:  
HON'BLE MR. JUSTICE RAJIV SHAKDHER  
ORDER

% 21.03.2018

1. The only grievance of the petitioner is that the conversion of the subject property from freehold to leasehold, has been hanging fire for last four years.

1.1 I have been taken through the correspondence exchanged on the subject. Having looked at the correspondence, the sum and substance of the respondent's stand is available in communication dated 13.10.2017 issued by the Land & Development Officer, Ministry of Urban Development, Government of India. The relevant paragraph of that communication is extracted hereafter:

"As you are aware, this office had tried to inspect property No.6, Aurangzeb Road, New Delhi a number of times, however, due to non-submission of Certified Copy of Sanctioned Building Plan, the same could not be done. In the absence of Sanctioned Building Plan, this office is unable to calculate pro-rata charges in respect of flat in question. On 20.09.2017, finally you have been asked to submit the Certified Copy of Sanctioned Building Plan within 15 days from the issue of letter. However, in the meantime, this office has received your letter dated 21.09.2017 wherein you have agreed to submit sanctioned building plan subject to the condition that L&DO will return the same as it is, after the inspection process is complete. It is to inform you that the building No.6, Aurangzeb Road, New Delhi is having many other flats also. The sanctioned building plan is necessary for this office and the same will be kept in this office as official record for future reference. Therefore, this office cannot accept Certified Copy of Sanctioned Building Plan from you on the stipulated condition. "

2. Counsel for the petitioner says that the petitioner had vide communication dated 23.10.2017 submitted certified copies of sanctioned plan and requested that its application bearing No.110318 dated 9.3.2016 for conversion should be restored after communicating the pro-rata charges which were required to be paid in respect of each flat built on the subject property.

3. Mr. Mahajan, who appears for the respondents, says that he will take instructions on this aspect of the matter. In case instructions received are to resist the petition, counter affidavit shall be filed before the next date of hearing.

4. Renotify the matter on 21.5.2018.

RAJIV SHAKDHER, J MARCH 21, 2018/pmc