2025 INSC 573

REPORTABLE

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

MISCELLANEOUS APPLICATION NO. 1290 OF 2022
IN
WRIT PETITION (CIVIL) NO. 876 OF 1996

OKHLA ENCLAVE PLOT HOLDERS WEL. ASON. ...APPELLANT(S)

VERSUS

UNION OF INDIA THROUGH SECRETARY & ORS. ...RESPONDENT(S)

WITH

DIARY NO(S). 21286/2020
AND
DIARY NO(S). 26517/2020
AND
MA 981/2022 IN W.P.(C) NO. 876/1996
AND
MA 887/2022 IN W.P.(C) NO. 876/1996
AND
MA 1598/2023 IN W.P.(C) NO. 876/1996
AND
MA 1776/2023 IN W.P.(C) NO. 876/1996
AND
MA 1351/2023 IN W.P.(C) NO. 876/1996
AND
MA 725/2024 IN W.P.(C) NO. 876/1996
AND

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Digitally signed by SONIA BHASIN
Date: 2025.06.20 12:40:38 IST
Reason:

MA 1221/2024 in W.P.(C) No. 876/1996

J U D G E M E N T

VIKRAM NATH, J.

1. M/s Durga Builders (Pvt.) Ltd. (hereinafter referred to as "Builder") purchased approximately 235 acres of land in Faridabad, Haryana for establishing a residential colony, and obtained licenses from the Director, Town and Country Planning, Haryana under the Haryana Development and Regulation of Urban Areas Act, 1975. It thereafter entered into a bilateral agreement with the Director, Town and Country Planning according to which the Builder was required to allot plots in the following three categories, as detailed below:

   (i). 20% of the plots of sizes of 50 sq. mtrs. to 125 sq. mtrs. for economically weaker sections (EWS) at subsidized rates to be determined by the Government.

   (ii). 25% of the plots on No Profit No Loss (NPNL) basis having sizes ranging from 125 sq. mtrs. to 225 sq. mtrs. again, at the rates to be determined by the Department.

(iii). Lastly the balance 55 % of the plots were to be sold in the open market at the rates decided by the Builder with a rider that the profit would not exceed 15%.

2. Advertisements were issued, applications were invited, and allotments were made. The allottees made deposits; however, the Builder did not adhere to the terms and conditions of the allotment agreement. As a result, the allottees in 1996 filed petitions under Article 32 of the Constitution of India before this Court, registered as Writ Petition (Civil) No. 876 of 1996.

3. In 2016, this Court, *vide* order dated 27.01.2016, appointed Mr. Justice Vikramjit Sen, retired Judge of this Court, as a single member Special Committee. The Special Committee was constituted to resolve each and every issue involved in the said matter. The Special Committee had been appointed considering the magnitude of the issues raised and finding that it would be difficult for this Court to itself deal with such a large number of objections from hundreds or thousands of allottees with valid claims. The Special Committee formulated its mechanism to deal with the pending issues and also set up a Scrutiny Committee to identify

and verify the claimants. The Scrutiny Committee comprised of five members and was chaired by the Senior Town Planner, Faridabad. It also had representatives from the plot holders' associations.

4. Later the Special Committee sought directions from this Court on four issues, as contained in its communication dated 11.10.2018. The said four questions were answered by this Court while disposing of the writ petition *vide* judgement and order dated 03.10.2019. Pursuant to the said judgment, the Special Committee continued with its exercise of resolving the issues and finally submitted its report dated 16.01.2023. The said report was accepted by this Court *vide* order dated 11.07.2023. The Special Committee thereafter tendered its resignation on 05.09.2023, on the premise that it had completed its exercise and submitted its report in January 2023, which had been taken on record and accepted by this Court *vide* order dated 11.07.2023. However, the fact remained that in the order dated 11.07.2023 itself it was noted that a number of applications had come up by allottees of different categories praying for redressal of their grievances who

could not approach the Special Committee in time. Applications have been filed praying that this Court may request the Special Committee to consider these applications and submit a further report. Further several applications have been filed raising grievance that their claims had been wrongly rejected or not considered by the Special Committee.

5. Ms. Rashmi Nandakumar, learned *amicus curiae* appointed by this Court was requested to find out as to whether the Special Committee would accept the further inquiry as required by order dated 11.07.2023.

6. Finally, in the order dated 23.07.2024, it was noted that the Special Committee, comprising Justice Sen, had kindly agreed to continue to deal with further applications from the defaulters, those already filed or those that may be filed. In the said order, this Court had requested Justice Sen to continue to chair the Committee until further orders of the Court. However, before proceeding to refer the matter to the Special Committee, this Court had required all pending application to be examined by the learned *amicus curiae* as to whether those applications were required to be dealt with by this Court or the Special Committee.

Pursuant thereto, the *amicus curiae* submitted its note giving a brief summary of the applications and also categorising them based on whether they should be taken up by the Special Committee and or they were to be taken up by this Court for disposal.

7. We have heard learned *amicus c*uriae, Ms. Rashmi Nandakumar, and learned counsel appearing for the applicants and have perused the material on record. The following is the list of applications that needs to be examined and disposed of by the Special Committee as such same are being referred to the Special Committee:

S. No.	I.A. No.	Name of the Applicant (s)	Name of the Advocate on Record
A. List of the I.As. filed in M.A. No. 1290/2022			
1.	IA No. 93906/2021	**Prem Singh Rawat** (Permission to File Impleadment)	Ram Lal Roy
1.1	IA No. 93909/2021	**Prem Singh Rawat** (Intervention/Impleadment)	Ram Lal Roy
1.2	IA No. 93912/2021	**Prem Singh Rawat** (Exemption from filing O.T.)	Ram Lal Roy
1.3	IA No. 93918/2021	**Prem Singh Rawat** (Clarification/Direction)	Ram Lal Roy
2.	IA No. 154562/2022	**Jagat Singh & Anr.** (Intervention/Impleadment	Ranbir Singh

		)	Yadav
2.1	IA No. 154529/2022	**Jagat Singh & Anr.** (Appropriate Orders/Directions)	Ranbir Singh Yadav
B. List of the I.As. filed in M.A. (D) No. 21286/2020			
1.	IA No. 24/2021	**Ranjana Sethi** (Intervention Application)	Kaushal Yadav
2.	IA No. 25/2021	**Ranjana Sethi** (Directions)	Kaushal Yadav
3.	IA No. 113403/2022	**Banarasi Prasad** (Intervention Application)	Rakesh Kumar Singh
3.1	IA No. 113409/2022	**Banarasi Prasad** (Appropriate Orders/Directions)	Rakesh Kumar Singh
C. List of the I.As. filed in M.A. (D) No. 26517/2020			
1.	IA No. 18180/2021	**Gokul Singh Negi (D) Through His LRs.** (Permission for Intervention)	Vikas Upadhyay
1.1	IA No.18181/2021	**Gokul Singh Negi (D) Through His LRs.** (Intervention Application)	Vikas Upadhyay
1.2	IA No.126167/2020	**Gokul Singh Negi (D) Through His LRs.** (Appropriate Orders/Directions)	Vikas Upadhyay
2	IA No.18167/2021	**Sudha Rawat (D) Through Her LRs.** (Permission for Intervention)	Vikas Upadhyay
2.1	IA No.18169/2021	**Sudha Rawat (D) Through Her LRs.** (Intervention)	Vikas Upadhyay
2.2	IA	**Sudha Rawat (D) Through**	Vikas

	No.126186/2020	**Her LRs.** (Appropriate Order/Directions)	Upadhyay
D. List of the I.As. filed in M.A. No. 981/2022			
1.	IA No. 159218/2021	**Ratnesh Bansal Okhla Enclave Plot Holders Welfare Association** (Appln. for Impleadment)	Jinendra Jain
1.1	IA No. 159217/2021	**Ratnesh Bansal Okhla Enclave Plot Holders Welfare Association** (Permission to file Impleadment)	Jinendra Jain
1.2	IA No. 97865/2021	**Ratnesh Bansal Okhla Enclave Plot Holders Welfare Association** (Appropriate Orders/Directions)	Jinendra Jain
E. List of the I.As. filed in M.A. No. 1776/2023			
1.	IA No. 86736/2023	**Smt. Harshi Negi** (Intervention/Impleadment)	Purnima Jauhari
1.1	IA No. 86749/2023	**Smt. Harshi Negi** (Clarification/Direction)	Purnima Jauhari
1.2	IA No. 130009/2023	**Smt. Harshi Negi** (Permission for Impleadment)	Purnima Jauhari
F. List of the I.As. filed in M.A. No. 725/2024			
1.	IA No. 18997/2024	**Bir Pal Singh** (Appln. for directions)	Varun Mishra
1.1	IA No.	**Bir Pal Singh**	Varun

	18995/2024	(Appln. For impleadment)	Mishra
1.2	IA No. 29271/2024	**Bir Pal Singh** (Permission for Impleadment)	Varun Mishra

8. The above applications are primarily from those allottees who could not approach the Special Committee before the cut-off date notified by the Special Committee for various reasons but claimed to have raised various disputes. The Special Committee will carve out its own procedure, which could be the same as before or modified as the Special Committee may decide.

9. The second category of applications consists of those applications which alleged some grievances before the Special Committee or which need to be adjudicated upon by this Court. The list of these applications is given hereunder:

S. No.	I.A. No.	Name of the Applicant (s)	Name of the Advocate on Record
A. List of the I.As. filed in M.A. (D) No. 21286/2020			
1.	IA No. 99521/2020	**Durga General Plot Holders Welfare Association** (Permission)	Gautam Narayan
1.1	IA No. 99522/2020	**Durga General Plot Holders Welfare Association** (Permission for	Gautam Narayan

		Intervention/Impleadment)	
1. 2	IA No. 99524/2020	**Durga General Plot Holders Welfare Association** (Clarification of the Order dated 03.10.2019/Direction)	Gautam Narayan
1. 3	IA No. 125990/2020	**Durga General Plot Holders Welfare Association** (Permission to File Additional Document/Facts/Annexures)	Gautam Narayan
2.	IA No. 3385/2021	**Durga Builder Plot Holders Welfare Association** (Intervention/Impleadment)	Sanjay Jain
2. 1	IA No. 160786/2024 in IA No. 3385/2021	**Durga Builder Plot Holders Welfare Association** (Permission to File Additional Documents/Facts/Annexures)	
3	IA No. 42882/2021	Early Hearing Application	Piyush Sharma
3. 1	IA No. 98167/2022	**Okhla Enclave Plot Holders Welfare Association** (Directions)	Piyush Sharma
3. 2	IA No. 76802/2023	**Okhla Enclave Plot Holders Welfare Association** (Appropriate Orders/Directions)	Piyush Sharma
3. 3	IA No. 234313/2023	**Okhla Enclave Plot Holders Welfare Association** (Necessary Action/Directions)	Piyush Sharma
7.	IA No. 47032/2024 in IA	**Durga Builder Plot Holder Welfare (Regd.)** (Permission to raise	Sanjay Jain

	3385/2021	Averments/Facts/Documents)	
B. List of the I.As. filed in M.A. No. 981/2022			
1.	IA No. 223046/2023	**Smt. Shanta Rani & Ors.** (Intervention/Impleadment)	Sarvam Ritam Khare
1.1	IA No. 146281/2023	**Smt. Shanta Rani & Ors.** (Intervention/Impleadment)	Sarvam Ritam Khare
1.2	IA No. 22945/2023	**Smt. Shanta Rani & Ors.** (Directions)	Sarvam Ritam Khare
C. List of the I.As. filed in M.A. No. 887/2022			
1.	IA No. 68538/2022	**M/s S.K. Land and Finance Ltd.** (Permission for Intervention)	Manisha Ambwani
1.1	IA No. 68540/2022	**M/s S.K. Land and Finance Ltd.** (Intervention/Impleadment)	Manisha Ambwani
1.2	IA No. 68548/2022	**M/s S.K. Land and Finance Ltd.** (Clarification/Direction)	Manisha Ambwani
D. List of the I.As. filed in M.A. No. 1351/2023			
1.	IA No. 101040/2023	**Raja Ram Prajapati & Ors.** (Permission for Intervention)	Aftab Ali Khan
1.1	IA No. 101041/2023	**Raja Ram Prajapati & Ors.** (Intervention/Impleadment)	Aftab Ali Khan
1.2	IA No. 101050/2023	**Raja Ram Prajapati & Ors.** (Clarification/Direction)	Aftab Ali Khan

E. List of the I.As. filed in M.A. No. 1598/2023			
1.	IA No. 129575/2023	**N R Chauhan** (Permission for Impleadment)	Manisha Ambwani
1.1	IA No. 66516/2023	**N R Chauhan** (Appropriate Orders/Directions)	Manisha Ambwani
1.2	IA No. 66513/2023	**N R Chauhan** (Intervention/Impleadment)	Manisha Ambwani
F. List of I.As filed in M.A. No. 1221/2024			
1.	IA No. 146968/2024	**Ms. Kiran Bala Nair** (Application for Permission)	Aftab Ali Khan
1.1	IA No. 226306/2023	**Ms. Kiran Bala Nair** (Intervention/Impleadment)	Aftab Ali Khan

10. We will now deal with above applications one by one.

I. IA. No. 99521/2020, IA No.99522/202, IA No.99524/2020 in M.A.(D) No.212286 of 2020

11. The first category of IAs has been filed by Durga Builder Plot Holder Welfare Association of plot buyers that form a part of the General/Open category, who claim to have purchased plots from the Colonizer by making full payment at market rates. IA No. 99521 of 2020 is for permission to file impleadment application. IA No.

99522 of 2020 is an application for impleadment. IA No. 99524 of 2020 is for clarification/modification in the order dated 03.10.2019. IA No. 125990 of 2020 is for filing additional documents.

12. The applicants state that their claims originate from the conveyance deed between its individual members and the Colonizer. They refer to the orders dated 23.11.2000, 15.07.2015 passed by this Court and the order dated 04.10.2018 passed by the Special Committee stating that these Orders clarify that they relate to the EWS and NPNL categories specifically and do not apply to the General Category (Category 3). Following submissions have been advanced on their behalf:

12.1 Since the General Category Plot Holders have paid the market price, the parameters regarding multiple plots cannot be made applicable to them. The Applicants were affected by the conditions laid down vide procedural order dated 07.05.2016 regarding one allotment to one family.

12.2 The procedural order of the Special Committee referred to above sets out the criteria to be followed by plot holders for eligibility that form the basis of scrutiny. The general category plot holders made a

prayer before the Special Committee to modify these conditions to remove restrictions on multiple holdings by eligible applicants from the same family. The Special Committee vide procedural order dated 04.10.2018 amended its order dated 07.05.2016. The paragraph referring to the same is extracted below:

> *"6. After discussion with Shri, Sanjeev Mann, DTP Faridabad, it is directed that the Scrutiny Committee shall not insist on an affidavit from the Claimant affirming that the Colonizer has neither sold the plot allotted to them to any third party nor created nay Third-Party right over the same' The Scrutiny Committee is further directed that it should not refuse to scrutinise any claim or to disentitle any person who has paid the full sale consideration only on the ground that multiple claims applications have been filed by members of the same family."*

12.3 It appears that when the matter was taken up by this Court, this order was not brought to the notice of the Court. Therefore, the order of this Court dated 03.10.2019 sets out the conditions laid down in Procedural Order dated 07.05.2016 for all categories of applicants.

12.4 Since general category allottees were allotted plots as per market rates, it would be unfair to limit the eligibility of general category allottees with respect to multiple claims from one family.

13. Considering the submissions advanced and the observations made by the Special Committee in its procedural order dated 04.10.2018, this Court is inclined to modify the order dated 03.10.2019 to the above extent and permit those general category allottees who were found ineligible in the first round due to holding multiple plots within one family to participate in the second round of scrutiny. It is ordered accordingly. The IA No. 99524 of 2020 is allowed. Other IA's viz IA No. 99521 of 2020, IA No. 99522 of 2020 and IA No. 125990 of 2020 stand disposed of.

II. I.A. No. 3385/2021 in M.A (D) No. 21286/2020; I.A. No.160786 of 2024 in I.A. No. 3385/2021.

14. I.A. No.3385 of 2021 pertains to an application of impleadment filed by Durga Builder Plot Holder Welfare Association (Regd.) which represents claimants who booked plots in the NPNL category and paid both the plot and development charges. I.A. No.160786 of 2024

has been filed to place additional documents. The applicants contend that the Colonizers breached the agreement as they initially sold more land than the sanctioned plots allowed for the NPNL category and subsequently, plots were sold to the General category in sizes smaller than prescribed, further violating the agreement. This default has created an extraordinary situation with more claimants than available plots.

15. The Applicants have also objected to plots being allotted to members of the same family. This application is for impleadment and no direction has been prayed for. This IA does not require any orders as we have already allowed their application for classification in the order dated 03.10.2019. Therefore, this I.A. stands disposed of.

III. I.A. No. 42882 of 2021 in M.A (D.) No. 21286/2020

16. This IA was filed praying to fix an early date for hearing in M.A. (D.) 21286/2020. The I.A. stands disposed of as it has been rendered infructuous.

IV. I.A. No. 98167 of 2022 in M.A. (D.) 21286 of 2020

17. This IA was filed seeking the intervention of this Court to expedite the submission of the report of the Committee. Since the Special Committee has completed the exercise of identification of eligible allottees, this IA has become infructuous and accordingly stands disposed of.

V. I.A. No. 76802 of 2023 in M.A. (D.) 21286 of 2020

18. This is an application filed by Okhla Enclave Plot Holders' Welfare Association praying for the following reliefs:

> *"a. Issue necessary directions in the Report dated 16.01.2023 by deleting the name of all such persons who are Supreme Court petitioners and who are having sale deed in their favour from the list of NPNL successful claimants.*
>
> *b. Another list of such Supreme Court petitioners who are having sale deed in their favour and their plot has also been earmarked in the layout plan and who have also appeared before the Scrutiny Committee be prepared so that they can contribute in the internal and external development of the land.*
>
> *c. Prepare a list of such allottees who are having sale deed in their favour prior to 1998 and who has also appeared before the*

Scrutiny Committee so that they can contribute in the internal and external development of the land.

d. Amend the list of eligible allottees and include the name if such persons whose names are already there in Annexure - I of the Scrutiny Committee Report but not in the list of allottees."

19. It is to be noted that except for 12 allottees amongst the 492 allottees that form part of the Applicant Association, none of the allottees have subjected themselves to scrutiny before the Special Committee. Even though plots have been demarcated for these 492 allottees (as mentioned in the reply dated 22.09.2024 by the DTCP[1]), it has not been ascertained as to whether these allottees do in fact, satisfy the conditions laid down in the procedural order dated 07.05.2016 to which all other allottees were subjected to. The Special Committee took up the case of these 492 persons and has already made observations with respect to these allottees as follows:

"210. The Special Committee notes that since 14-12-2007, the case of these 492 persons has been that Sale Deeds have been executed and possession has been handed over to them. Before the Special Committee these persons have repeatedly argued that as per

1 Director Town and Country Planning Department, State of Haryana

the amended Layout Plan dated 24-04- 1997. 492 plots were carved and earmarked for these persons. If the position is so, it is incomprehensible why these persons are still litigating the matter for over a dozen years. and what is the relief that they are seeking. The Special Committee is still awaiting a response to this question. The Special Committee is constrained to remark that there is more than what meets the eye here. Be that as it may. Some doubts may have been allayed had they submitted to a scrutiny in compliance with the ruling of Judgement of the Hon'ble Supreme Court delivered on 03-10-2019.

211. The Special Committee cannot grant or refuse relief to persons who have not submitted to the jurisdiction of the Special Committee. The criterion laid by the Special Committee, which has been accepted by the Hon'ble Supreme Court, is that persons who have paid the land costs and development charges on or before the cut-off dates and have only one claim from one family will be allotted a plot. The persons who appeared before the Scrutiny Committee will be summed on the aforesaid criteria, and only those claims which fulfil the aforesaid conditions will be declared entitled for a plot.

212. The Special Committee does not agree with the submission of the Okhla Enclave Plot Owners Welfare Association (Regd.). and Okhla Enclave Join Action Committee that

they are on a special footing or an exception. This special treatment was not sought during the proceedings dated 07- 05-2016 before the Special Committee or before the Hon'ble Supreme Court at the time of passing of the Judgment dated 03-10-2019.

213. It is possible than in the past period spanning 20 years these 492 persons may have got Plots or have sold their previous allotments, or may have not made requisite payments etc. and would want to jump over hapless persons who are better placed entitled than them to allotment of severely scarce land due to machinations by the corrupt erstwhile Colonizer However: the Special Committee makes no comment on the legitimacy of the claims of these 492 persons. They have not deliberately appeared before the Scrutiny Committee and must seek their relief elsewhere."

20. We find no good reason to take a view different from what the Special Committee has taken as extracted above. Thus, in our opinion out of these 492 allottees other than the 12 allottees who had subjected themselves to the Special Committee for scrutiny i.e. the remaining 480 allottees must subject themselves to scrutiny to ascertain whether their claims/sale deeds are legal and valid. For this purpose, the allottees are directed to appear before the Scrutiny Committee to

determine their eligibility within four weeks from date of this order, since all are represented through their association and counsel. Further, for those who have sale deeds, the Scrutiny Committee can determine the legality of the sale deeds and for those who do not have sale deeds, the Scrutiny Committee may apply the conditions laid down in the procedural order 07.05.2016. The composition of the Scrutiny Committee will include the representative of the association to which these allottees belong to. Once the eligibility of these allottees is determined; the same may be placed before the Special Committee for hearing objections. Once a final list of eligible allottees is finalized by the Special Committee, the State of Haryana can proceed with the demarcation of plots for all eligible allottees who find mention in the final list of eligible allottees prepared by the Special Committee. Further, in a case where the sale deeds have been found to be illegal, the State of Haryana may proceed in accordance with law to cancel the sale deeds. While the allottees who claim to have valid sale deeds must present themselves before the Scrutiny Committee to determine the legality of their sale deeds. Further, in respect of sale deeds that are found to be legal and valid, demarcation must be done

and development charges. etc., must be collected in terms of the order of this Court dated 03.10.2019. The IA is disposed of accordingly.

VI. I.A. No. 234313 of 2023 in M.A (D) No. 21286 of 2020

21. Through this IA, the applicants the original writ petitioners have prayed for a direction to be issued to the Special Committee to continue functioning and dispose of their applications. As necessary directions have already been issued, this IA does not require any consideration. IA is disposed of as infructuous.

VII. I.A. No. 47032 of 2023 in I.A. No. 3385 of 2021

22. The applicants Durga Builder Plot Holder Welfare Association (Regd.) have raised the following issues in this IA:

    i. Allottees who form part of Annexure-II (paid full land cost but part development charges) have not been made eligible.

    ii. No available remedy mentioned for allottees listed under Annexure - II, III & IV.

iii. Allottees who claim refund have been left out from Scrutiny. As per the Applicants, only those Allottees who have received actual refund can be kept out of the list.

23. This application only seeks permission to refer to documents and to raise averments and there is no specific direction that is being sought. We are not inclined to pass any orders. The Association has already been granted liberty to approach the Special Committee. It would be at liberty to place the relevant material before the Special Committee. The application is disposed of accordingly.

VIII. I.A. No. 223046 of 2023, I.A. No. 146281 of 2023 & 1.A. No. 222945 of 2023 in M.A. No. (D.) 26517 of 2020

24. The above IAs have been filed on behalf of Smt. Shanta Rani (Deceased.), Mr. Yashvant Singh Guleria, Mr. Nandi Pandey, Ms. Rajwati, Mr. Pan Singh Negi, Mr. Prem Ballabh Satyavalit, Mr. Ompal Singh, Mr. Anil Kumar Sharma, Mr. Yashpal Sharma. IA No.223046 of 2023 has been filed for intervening in the matter. In IA

No.14628 of 2023, the following reliefs have been claimed:

(i) "Allow the present application and permit the applicants as Impleadors in the present Writ Petition;

(ii) Pass an order directing for the inclusion of the names of the applicants no. 1-4 in the First List-Annexure-I in the list/report submitted by the Ld. Arbitrator dated 16.1.2023.

(iii) Pass an order directing for the inclusion of the names of the applicants no. 5-7 in the First List- Annexure-I in the list/report submitted by the Ld. Arbitrator dated 16.1.2023 and deletion of their names from the Annexure-II (Second list) by the Ld. Arbitrator.

(iv) Pass an order directing for the allotment of individual units separately to applicant no.8 and 9 separately and individually."

25. In IA No.222945 of 2023 similar relief as in the IA No.146281 of 2023 has been claimed.

26. Applicant Nos. 1 to 4 claim that their names were initially included in the list provided by the Senior Town Planner (STP) but were omitted from the final list submitted by the Special Committee. They claim that as per the Report dated 16.01.2023 of the Special

Committee, they were entitled to be included in the First List (Annexure-1, having paid the full land cost and full development charges before the cut-off date) and contend that their names were inadvertently omitted from the list of plot holders. Applicant Nos. 5 to 7 assert that their names were incorrectly placed in the Second List and ought to have been included in the First List. Applicant Nos. 8 & 9 are siblings who had applied independently in 1995. which was after their father's death in 1991. The Applicants are seeking a direction for their entitlement to be maintained individually and not be considered as a family unit, thereby claiming a single plot allocation for both.

27. In the report filed by the Special Committee, the procedure followed by the Committee for scrutinising the claims and preparing the final list of eligible allottees has been set out in detail at page 93 of the report. It is stated in the report that after careful scrutiny of the applications, they were published in the website of the department of Town and Country Planning, Haryana and everyone was given the opportunity to file their objections, suggestions and amendments to the scrutiny report. It is the grievance of the applicant Nos. I to 4

that their names were initially included in the report of the Scrutiny Committee at Annexure I but their names were inadvertently omitted from the list of plot holders in the final list of eligible plot holders. The Special Committee is thus requested to consider the Application of Applicant Nos. I to 4 in the Application and determine whether their names were inadvertently omitted from the final list of plot holders and if so, their names may be included accordingly.

28. With respect to Applicant Nos. 5 to 7, there can be no review of the inclusion /exclusion of names from the final list prepared by the Special Committee. With respect to Applicant Nos. 8 and 9, as per the procedural order dated 07.05.2016, it was categorically stated that multiplicity and duplicity of claims i.e. more than one claim from one family will not be considered as eligible as they belong to the NPNL category. Several claims have been disallowed on this ground therefore, the same is rejected.

IX. I.A. No. 68538 of 2022, I.A. No. 68540 of 2022 and I.A. No.68548 of 2022 in M.A. No. 887 of 2022

29. I.A. No.68538 of 2022 has been filed by M/s S.K. Land and Finance Ltd. seeking impleadment. I.A. No.68540 of

2022 has been filed seeking permission to file impleadment. I.A. No.68548 of 2022 has been filed for direction to the Special Committee to consider their claim.

30. Relevant facts as set out in the application are as follows:

a. The Firm claims that there were certain material facts that were not brought on record and to the attention of the Court:

i. That Respondent No.6, by the year 2004 was suffering heavy losses & was unable to sustain its business of developing the colony named Okhla Enclave (Edinburg City). That thereafter, Respondent No. 7 i.e. Director of Respondent No. 6 approached Sh. Ram Gopal Sharma, the late husband of the Proprietor of the Applicant Firm, with an offer to invest in Respondent No. 6 in lieu of taking it over.

ii. That on 15.07.2004, an MoU was entered into between Respondent No. 7 and Ram Gopal Sharma.

iii. That the Applicant Firm agreed to take over these companies and paid a large sum, but the Respondent No.7 did not hand over control or important documents.

b. The Applicant Firm claims to have paid a total of Rs. 20.42 crores as per MoU but did not receive the assets or documents promised. The Applicant has also stated in Para (vi) that until the subject project can be transferred, Respondent No. 6 can adjust an amount of Rs. 3,50,00,000/-already paid by the Applicant Firm towards the sale of the adjoining medical site.

c. The Applicant firm refers to the Order dated 03.10.2008 in Company Petition No. 238/2005 titled "Manjit Kaur v. Durga Builders Pvt. Ltd." wherein the Hon'ble High Court imposed a cost of Rs. 50,000/- on Respondent 7 and his wife each and directed the Crime Branch to investigate into the aspect of collusion between them and the Petitioner therein.

d. The Applicant states that despite repeated requests, the Respondent No.7 did not comply, causing significant losses to the Applicant Firm.

e. The Applicant is seeking permission to appear before the Special Committee.

31. From the material on record, there appears to be an inter se dispute between the Applicant firm and the erstwhile colonizer. While the mandate of the Special Committee was to resolve each and every dispute relating to allotment, the Special Committee may not be competent to determine the issues in this Application which relates to third party claims against the respondent No.6 relating to investment therein. Therefore, the applicant may seek remedy before an appropriate forum as per law. The I.A. for direction is accordingly rejected with liberty to the applicant M/s S.K. Land and Finance Ltd. to avail such other remedy as may be available under law. The two IA's stand disposed off accordingly.

X. I.A. No. 101040 of 2023 & I.A No. 101041 of 2023 & I.A No. 101050 of 2023 in M.A. No. 1351 of 2023

32. I.A. No.101040 of 2023 has been filed by Raja Ram Prajapati and 12 others praying for impleadment. I.A. No.101041 of 2023 has been filed seeking permission to

file impleadment application. I.A. No.101050 of 2023 is for direction to include the 13 applicants in the NPNL category with a declaration that they are entitled for allotment in the said category.

33. The IA's have been filed by Mr. Raja Ram Prajapati, Mr. Jitendar Bahadur Singh, Mr. Prem Swaroop Verma, Ms. Devi Kumari, Mr. Rakesh Kumar Gupta, Ms. Subhadra, Mr. Ram Kali. Mr. Shyam Lal Dadichi, Mr. Bhakta Singh Rawat, Mr. Gurdyal Singh, Mr, Chhatarpal Singh, Mr. Jagdish & Mr. Ravinder Mendiratta. The Applicants refer to the Special Committee final list of 866 eligible claimants under the NPNL category. The Applicants, who belong to the NPNL category, paid the full cost of the land but either paid part of the development charges or none at all.

34. The Applicants are aggrieved by the non-inclusion of their names in the list of eligible claimants for allotment under the NPNL category. They argue that despite fulfilling the primary requirement of paying the full cost of the land and being ready and willing to pay the development charges they seek the Court's intervention to rectify this omission and ensure that they are allotted

plots as per the Court's earlier orders and the available land in the subject category i.e. NPNL.

35. However, in our opinion the Applicants cannot be considered for allotment at this stage and may be considered for allotment in the second phase, once requisite payments are made and as and when land is made available by the State Government. IA's are disposed off accordingly.

XI. I.A. No. 129575 of 2023, I.A. No. 66516 of 2023 & I.A. No. 66513 of 2023 in M.A No. 1598 of 2023

36. I.A. No.129575 of 2023 is for seeking permission to file impleadment application. I.A. No.66516 of 2023 is for impleadment. I.A. No.66513 of 2023 is for directions to the Special Committee to consider the documents pertaining to Plot No. J-367, Okhla Enclave, Faridabad or to refund the amount of Rs.1,74,600/-.

37. The IA has been filed on behalf of one N.R. Chauhan. The Applicant, is a 79-year-old senior citizen who in his application has stated that he has been pursuing the allotment of Plot No. J-367 in Okhla Enclave, Faridabad, for almost 30 years. The Applicant claims that despite fulfilling all the necessary requirements and adhering to

the orders of this Court and the Punjab and Haryana High Court, his name was inexplicably excluded from the final list of allottees mentioned in the report of the Special Committee dated 16.01.2023. The applicant claims to have made all requisite payments amounting to Rs. 1,74,600/- towards the plot, including development charges and registration fees. The Applicant has stated that he was issued a Letter of Allotment in 1995 and a Plot Buyer's Agreement was also executed in 1996. The possession of the plot was confined through a Letter of Possession in 1996. The Applicant claims that he appeared before the Committee and got his documents verified but his name was not included in the list of allottees finalised by the Committee.

38. Having considered the submissions and the material on record in particular the averment that he appeared before the Special Committee and got his documents verified, we direct the applicant to approach the Special Committee again and the Special Committee is requested to consider his claim afresh.

XII. I.A. No. 146968 of 2024 & I.A. No. 226306 of 2023 in M.A No. 1221 of 2024

39. These IAs have been filed on behalf of Ms. Kiran Bala Nair seeking permission to be impleaded and further have prayed for impleadment. The Applicant claims that she falls in clause (c) as per the findings of the Special Committee dt. 07.05.2016 which was recorded by this Court in its Order dt. 03.10.2019. The Applicant claims that she belongs to NPNL category and has paid the entire land cost and part development charges thereby making her entitled for allotment. She is aggrieved by the fact that allottees who have paid part development charges have been excluded from the list of allottees.

40. In our opinion, the Applicants cannot be considered for allotment at this stage and may be considered for allotment in the second phase, once requisite payments are made and as and when land is made available by the State Government.

Affidavit filed by the State of Haryana

41. The State of Haryana in its affidavit dated 22.09.2024 had raised certain issues requiring this Court to issue necessary directions. This Court as per the order dated 25.09.2024 had directed the Amicus Curiae to file a

reply to the aforesaid affidavit filed by the DTCP. The DTCP in his affidavit raised the following issues:

i. As per the order of this Hon'ble Court dated 07.04.1997. 492 allottees were directed to be allotted plots. The State of Haryana, pursuant to the aforementioned order has demarcated plots with respect to these 492 allottees. Since the case of these 492 allottees were not considered by the Special Committee, a direction is sought from this Hon'ble Court regarding demarcation of available plots.

ii. There are 2045 plots for which sale deeds have been executed. Should the demarcation be done taking into account these sale deeds?

iii. At present. 32.50% of the area measuring 126.75 acres falling in Phase-1. Okhla Enclave, Sector 91, Faridabad has been planned for plotted development whereas, in Phase - I Okhla Enclave, Sector 91, Faridabad having 107.95 acres land, 51.46% has been planned for plotted development. Most of the roads and infrastructure are laid at site and plots against which sale deeds had been executed are situated on the said roads which cannot be altered considering the developments at the site. However, after the proposed

revision of the area of the community facility as per the latest norms; the land share for plotted development will increase to some extent but there is no scope to optimize the maximum permissible limit of plottable area that is 65% as directed by the Special Committee.

42. We have given our anxious consideration to the facts and issues raised by the DTCP in his affidavit of 22.09.2024 and also the response submitted by the learned Amicus Curiae.

43. The query with respect to para (i) and (ji) has been answered above, in response to I.A. No. 76802/2023 in M.A. (D.) 21286/2020. With respect to query (iii) the insistence by the Special Committee to increase the area available for plotted development was to ensure that the maximum number of eligible allottees who have waited for over 39 years to get a plot can be accommodated. The State of Haryana is directed to demarcate plots and public facilities in a feasible way to ensure that maximum number of allottees can be accommodated. Accordingly, we issue following directions:

    i) The Special Committee is requested to scrutinize the claims of the remaining 480 allottees of the Okhla Enclave Plot Holders' Welfare Association

and finalise the list of eligible claimants within a reasonable period.

ii) The State of Haryana is directed to consider 65% of the land share for plotted development as agreed by them before the Special Committee.

iii) The State of Haryana is directed to prepare a fresh layout plan for the Project clearly marking the land available for allotment within a period of 10 weeks from today.

iv) The State of Haryana is directed to remove all encroachments at the earliest.

v) The State of Haryana is directed to initiate the scrutiny of Commercial category claimants within 2 weeks from today.

vi) The Colonizer is directed to pay the amounts due as per the judgement of this Court dated 03.10.2019 within 6 weeks from today.

vii) Parties are directed to comply with all the other directions laid down by the Special Committee as per the Report dated 16.01.2023.

viii) The Special Committee is requested to commence the process of scrutiny under the second phase.

ix) With regard to the terms of engagement, the Special Committee may fix its terms of engagement for the scrutiny of allottees for the next phase.

44. We record our appreciation for the able assistance provided by learned *amicus* Ms.Rashmi Nandakumar.

.....J.
(VIKRAM NATH)

.....J.
(PRASANNA B. VARALE)

NEW DELHI;
APRIL 25, 2025