

ITEM NO.2

COURT NO.1

SECTION XIV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

409450

I.A. 2/2016 in Civil Appeal No(s). 2470/1998

DELHI DEVELOPMENT AUTHORITY

Appellant(s)

VERSUS

M/S. MAHARSHI DAYANAND COOP. GROUP HOUS. SOCIETY LTD. & ORS.

Respondent(s)

(for directions and office report)

Date : 21/11/2016 This application was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

Certified to be true copy

For Appellant(s)

Mr. Vishnu B.Saharaya, Adv.
M/s Saharya & Co., Adv.

Placed
Assistant Registrar(Judl.)

11/11/2016

SUPREME COURT OF INDIA

For Respondent(s)
(Applicant)

Mr. Ravi Gupta, Sr. Adv.
Mr. Akhil Sachar, Adv.
Mr. Sachin Jain, adv.
MS. Jasmina Damkewala, Adv.

Mr. Wasim A.Qadri, Adv.
Mr. Ajay Kumar Singh, Adv.
Mr. B.K.Prasad, Adv.

UPON hearing the counsel the Court made the following
O R D E R

By our Order dated 23.04.1998 passed in Civil Appeal No. 2469 of 1998, we had determined the entitlement of the applicant's group housing society on the basis of the Master Plan for Delhi, 2001 and directed that the society shall be entitled to allotment of an area measuring 1.5 hectares in a compact block within 35 acres of land earmarked for residential purpose in The

Signature Not Verified
Digitally signed by
Date 15.11.2016
Reason

International Hotel Complex, Vasant Vihar, New Delhi. It is not in dispute that based on the said direction, an area measuring 1.5 hectares of land in compact block has already been allotted in favour of the society. While the society has yet to develop the area so allotted, the Master Plan for Delhi has been revised and a fresh Master Plan ie. MPD- 2021 has been notified. The society now appears to be claiming the right to develop the plot allotted in its favour in terms of the modified Master Plan. That entitlement has been examined by the Technical Committee of the DDA who has approved the applicability of the MPD-2021, Development Control Norms-Group Housing and allowed the development in terms of MPDT, 2021 subject to the approval of this Court. This is evident from a letter dated 03.06.2015 addressed by the DDA to Secretary of the Society. The present application, therefore, seeks approval of this Court to develop the plot in question in terms of MPD-2021.

Mr. Vishnu Saharaya, learned counsel appearing for the DDA submits that while the Technical Committee has approved the applicability of the MPD- 2021 Development Control Norms-Group Housing in the case of the applicant-society also, such approval is subject to the society completing the prescribed formalities and the permission of this Court. We see no reason to decline the prayer made in the application especially when the plot of land already stands allotted to the society, no matter according to the MPD-2001. Since the Master Plan stands revised by MPD-2021, the development of the plot shall have to be in terms of the said modified plan subject of course to the satisfaction of all other formalities prescribed. We accordingly allow this application and

permit the development of the plot in terms of the modified Master Plan-2021.



(Shashi Sareen)
AR-cum-PS



(Sneh Bala Mehra)
Assistant Registrar

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A1-No

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(b) the date given to receive copy :-

(c) date on which copy is made ready :-

(d) the date on which the copy is received by applicant or sent to the applicant :-

17/12/16

Branch Officer

Supreme Court of India

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