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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\# **CNR No. DLHC010877072024**

\+ **W.P.(C) 16614/2024**

CENTRAL FOOTWEAR CO. .....Petitioner

Through: Mr. Tarun Sharma, Mr. Abid Ali, Mr. Manek Sharma & Mr. Karrtik Sharma, Advs.

versus

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI & ANR. .....Respondents

Through: Ms. Avni Singh, PC-GNCTD with Mr. Vaibhav Sharma & Ms. Sanskriti Nautiyal, Advs.
Mr. Sonal Anand, Adv. with Ms. Neha Gupta (Div. Mgr., DSIIDC), Mr. Dilip Jha (Sr. Mgr.) & Mr. Waseem, LA for R2

**CORAM:**
**HON'BLE MR. JUSTICE AMIT MAHAJAN**

**O R D E R**

**% 06.11.2026**

1. This is the fourth round of litigation at the instance of the petitioner before this Court. The petitioner had initially approached this Court by way of W.P.(C) No. 7604/2007, seeking quashing of the order dated 15.07.2004, whereby its claim for allotment of an alternative industrial plot under the Relocation Scheme, 1996, had been rejected on the ground that its industrial unit was situated in a conforming area, namely, Udyog Nagar.

2. *Vide* order dated 05.03.2009, this Court disposed of the petition after recording the submission made by the learned counsel on behalf



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of the Commissioner of Industries that, upon re-examination of the matter, the respondents had concluded that the petitioner's industrial unit situated at Plot No. 19, Swarn Park, Mundka, fell in a non-conforming area and that the petitioner was, therefore, entitled to an alternative industrial plot. In view of the aforesaid submission, this Court quashed the impugned order dated 15.07.2004 and directed the respondents to process the petitioner's application expeditiously and communicate their decision, in any event, within two months. The aforesaid order is reproduced hereinbelow:

> *"The petitioner seeks quashing of an order dated 15.7.2004 issued by the second respondent. The petitioner had applied for allotment of an alternative plot on the ground that he was entitled to reallocation since the factory fell in a non-conforming area. In the Impugned letter, authority i.e., Commissioner of Industry stated that factory fell in a conforming area i.e. Udyog Nagar.*
>
> *Mr. Sabharwal, learned counsel for the respondent Commissioner of Industries submitted that he has instructions to state that after re-examination of the matter, the Commissioner is now of the opinion that the petitioner concern i.e. Central Footwear Company, Plot No. 19, Swarn Park, Mundka false in a non-conforming area and would be entitled to an alternative plot. A copy of the communication addressed in that regard has been produced. The same is hereby taken on record.*
>
> *In the light of the above submission, the petition has to succeed; Impugned order dated 15.7.2004 is hereby quashed.*
>
> *respondents are hereby directed to process the petitioner\s application expeditiously and communicate its decision to the petitioner as expeditiously as possible and in any case within two months from today."*

3. Thereafter, the petitioner again approached this Court by way of W.P.(C) No. 3889/2015, seeking a direction to the respondents to allot an industrial plot against its application dated 26.12.1996 bearing No. 4875, in view of the earlier order dated 05.03.2009. *Vide* order dated 13.07.2017, this Court noted that the earlier order had attained finality



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and that, despite the same, the petitioner's application had not been processed. Since the original records pertaining to the petitioner's application were stated to be unavailable with the respondents, this Court held that the respondents were nevertheless bound to comply with the earlier order and process the petitioner's application. This Court further recorded the statement made on behalf of the respondents that upon production of even one such document, the petitioner's application would be processed forthwith without any further objections. Taking note of the petitioner's Sales Tax Registration Certificate indicating the existence of its factory at the aforesaid premises with effect from 01.01.1994, the Court directed the respondents to verify its authenticity and, upon such verification, process the petitioner's application for allotment of an alternative industrial plot. The relevant extract of the aforesaid order is reproduced hereinbelow:

> *"3. The said order has become final as neither any review nor an appeal was filed against the said order. Despite the aforesaid order, the petitioner's application has not been processed. This has led the petitioner to file the present petition.*
>
> *4. Mr Satyakam, the learned counsel appearing for the respondents states that although the order mentions a letter/communication addressed by the Commissioner of Industries to the learned counsel appearing for the respondent in the aforementioned W.P. (C) 7604/2007, the said communication is not on record ofthe respondents. The said communication is also not found on the records of this court.*
>
> *5. In the aforesaid circumstances, the respondents were called upon to produce the original files on the basis of which the petitioner's application was initially processed. Mr Satyakam, states that those files are no longer available with the concerned authorities. He, however, submits that although the said order has been passed and has become final, the examination of the records as available with the respondents indicates that the petitioner's factory was not located at the address so indicated by him.*



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*6. Since none of the original files are available and undeniably the order dated 05.09.2009 has become final, this court is of the view that the respondents would have to comply with the order dated 05.09.2009 and process the petitioner's application for allotment of an alternative plot. However, it would also be essential for the petitioner to produce at least one document out of the fifteen types of documents as indicated in the respondent's policy to establish that the petitioner had a factory located in the area prior to the cut off date, as claimed by him.*

*7. Mr Satyakam, learned counsel for the respondents, on instructions of the officers who are present in court, states that if the petitioner is able to produce even a single document from the aforesaid list, his application would be processed forthwith without any further objections. The respondents are bound down to the said statement. The petitioner shall submit any one of the kind of documents as set out at page 205 of the paper book, within a period of two weeks from today.*

*8. Learned counsel for the petitioner has also drawn the attention of this court to a certificate of registration issued by the Sales Tax Officer Ward No.63, Delhi. Although the certificate is dated 27.08.2004, it is signed on 31.08.2004. The said certificate indicates that the petitioner's factory existed at Plot No. 19, Mundka, Udyog Vihar, Swam Park, Mundka w.e.f. 01.01.1994. This plainly indicates that the petitioner's factory was existing in the non-coforming area prior to the cut off date. This is also one of the documents as mentioned in the policy of the respondents.*

*9. Mr Satyakam, states that this would also require some verification as the noting: "w.e.f. 01.01.1994" is written in hand. The respondent may verify the authenticity of the said document from the records. Needless to mention that if the same is verified, the requirement of the petitioner to produce any single document from the list as indicated by the respondent would stand satisfied and the petitioner's application for allotment would be processed as directed above.*

*10. The petition is disposed of with the aforesaid directions."*

4. Thereafter, the petitioner once again approached this Court by way of W.P.(C) No. 7557/2024, seeking compliance with the earlier orders dated 05.03.2009 and 13.07.2017, contending that despite furnishing the requisite documents, the respondents had taken no



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further steps to process its application. *Vide* order dated 24.05.2024, this Court directed the respondents to treat the writ petition as a representation and consider the documents submitted by the petitioner within six weeks, after affording an opportunity of personal hearing, if permissible under the applicable Rules.

5. Thereafter, the respondents issued the impugned communication dated 20.08.2024, rejecting the petitioner's claim for allotment of an alternative industrial plot under the Relocation Scheme, 1996.

6. In the opinion of this Court, the conduct of the respondents in handling the present matter has been deplorable. It is pertinent to note that, *vide* order dated 05.03.2009, this Court had recorded the categorical submission made on behalf of the respondents that the petitioner's industrial unit was situated in a non-conforming area and that the petitioner was entitled to an alternative industrial plot. On the basis of the aforesaid submission, this Court had quashed the order rejecting the petitioner's claim and directed the respondents to process its application within a period of two months.

7. However, instead of complying with the said directions, the respondents kept the petitioner's application pending for several years, compelling it to approach this Court repeatedly. The respondents have now, by way of the impugned communication dated 20.08.2024, once again rejected the petitioner's claim. The order dated 05.03.2009 was never challenged by the respondents and has attained finality. Despite the same, the respondents have continued to act in disregard of the said order.

8. Though it has subsequently been contended on behalf of the respondents that an incorrect statement had been made before this



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Court in the earlier proceedings, the respondents have been unable to produce the original records or any contemporaneous material to substantiate the said contention.

9. This Court is of the opinion that it is on account of the conduct and inaction of the officers of the respondents that the petitioner's grievance has remained unresolved for several years, compelling it to approach this Court repeatedly. The manner in which the matter has been dealt with reflects a complete disregard for the orders passed by this Court and has resulted in an avoidable wastage of valuable judicial time.

10. In view of the aforesaid, before proceeding further, this Court considers it appropriate to impose costs of ₹1,00,000/- upon Respondent No.1/GNCTD to be paid to Delhi High Court Legal Services Committee within a period of 6 weeks.

11. Respondent No.1 is directed to recover the said cost from the salaries of the officers responsible for the present state of affairs.

12. List on 09.02.2027.

**AMIT MAHAJAN, J**

**NOVEMBER 6, 2026**
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