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

+ W.P.(C) 6813/2021

NEW GLOBAL VISION SOCIETY Petitioner

Through: Mr. Kanhaiya Priyadarshi, Advocate.

versus

DELHI DEVELOPMENT AUTHORITY AND OTHERS

..... Respondents

Through: Mr. Ajay Brahme, Advocate for
DDA.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

% **27.10.2021**

The hearing has been conducted through video-conferencing.

1. On the previous date, the court had passed the following order:-

“1. This is yet another case since morning, as many others, in which the DDA has not filed the reply/counter affidavit, despite having been accorded sufficient time. There is no application seeking extension of time either. The Court is inclined to close DDA’s right to file a reply/counter affidavit.

2. The petitioner/society in this petition seeks allotment of institutional land for the benefit of persons with disabilities under Person with Disability (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, its request has been endorsed and recommended by the Minister of State for Social Justice and Empowerment, Government of India. Despite pendency of the request for about four years, there is no response from DDA. Indeed, DDA of response continues

in these proceedings as well, as is evidenced by the non-filing of a counter affidavit.

3. It is understandable that in the absence of complete instructions from the department concerned, any counsel would be constrained in rendering full assistance to the court. The learned counsel for the DDA has referred to a Gazette Notification, which at the present moment will be difficult to look into since the same is not on record and DDA has thus far not filed its counter affidavit, which could well prejudice its interest in this case.

4. Accordingly, let the Vice Chairman, DDA look into the manner of instructions being given to DDA counsel, not only in this case but also in scores of other cases as well.

....”

2. Evidently, the order had no effect on the DDA management. There is no response. There is evident lackadaisical, indeed recalcitrant, attitude of DDA towards the court proceedings.
3. However, at the request of the learned counsel for DDA, yet another last opportunity is granted to file a reply, subject to payment of Rs.25,000/-, which shall be deducted from the salary of the officer concerned, who may have caused the delay by not explaining the reason to the counsel or for not giving the instructions apropos the filing of a reply. The aforesaid amount be deposited with the DCF (West) within three weeks.
4. Let an affidavit be filed by the Commissioner, DDA with the prior approval of the Vice Chairman, DDA as to what action has been taken apropos the observations made by the court in the aforesaid order, failing which the assistance of the Vice Chairman DDA in

person, may become imperative.

5. Responsibility for the non-compliance shall be fixed by the Vice Chairman, DDA.
6. List on 20.12.2021.
7. The order be uploaded on the website forthwith.

OCTOBER 27, 2021

RW

NAJMI WAZIRI, J