$~SB-1 & 2

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

Date of decision: 30.10.2026

\# **CNR No. DLHC010895182025**

\+ W.P.(C) 17333/2025

SARASWATI APARTMENTS RESIDENTS WELFARE ASSOCAITON .....Petitioner

Through: Mr. Samrat Nigam, Sr. Adv. along with Ms. Akshya, Adv.

versus

DELHI DEVELOPMENT AUTHORITY & ORS. .....Respondents

Through: Mr. Akhil Mittal, Ms. Riddhi Jain and Ms. Shayna Das Pattanayak, Advs. for DDA.
Mr. Tushar Sannu and Mr. Parvin Bansal, Adv. for MCD and DJB.

\# **CNR No. DLHC010026032026**

\+ W.P.(C) 1185/2026

NARMADA RESIDENTS WELFARE ASSOCIATION .....Petitioner

Through: Mr. Ajjay Arora, Sr. Adv. along with Mr. Vansh Luthra, Adv.

versus

DELHI DEVELOPMENT AUTHORITY .....Respondent

Through: Mr. Sanjay Katyal, SC for DDA with Mr. Nitish Kumar Danda, Adv.
Mr. Akhil Mittal, ASC-DDA with Mr. Sameer Vashisht, Adv. for DDA

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CORAM:
HON'BLE MR. JUSTICE ANIL KSHETARPAL
HON'BLE MR. JUSTICE AMIT MAHAJAN

J U D G M E N T (ORAL)

ANIL KSHETARPAL, J.:

CM APPL. 75236/2026 ***[43 days delay in filing Review Petition 518/2026]*** **in W.P.(C) 17333/2025**

1. By way of the present application, the Petitioner seeks condonation of delay of 43 days in filing the REV.PET. 518/2026.

2. For the reasons as stated in the application, the same is allowed and the delay is condoned.

3. The application is disposed of.

CM APPL. 75232/2026 ***[29 days delay in filing Review Petition 517/2026]*** **in W.P.(C) 1185/2026**

4. By way of the present application, the Petitioner seeks condonation of delay of 29 days in filing the REV.PET. 517/2026.

5. For the reasons as stated in the application, the same is allowed and the delay is condoned.

6. The application is disposed of.

REV.PET. 518/2026 and CM APPL. 75235/2026 ***[stay]*** **in W.P.(C) 17333/2025**

REV.PET. 517/2026, CM APPL. 75233/2026 ***[exemption]*** **and CM APPL. 75234/2026** ***[stay]*** **in W.P.(C) 1185/2026**

7. With the consent of learned counsel representing the parties, the present Review Petitions are taken up together and are being disposed

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of by this common judgment.

8. A batch of four (04) Writ Petitions, instituted by different Residents' Welfare Associations [hereinafter referred to as 'RWAs'], assailing the proposed construction of a local shopping complex and a two-level parking facility, came to be dismissed by this Court *vide* judgment dated 17.08.2026. The Court, *inter alia*, found that the proposed development was in accordance with the sanctioned layout plan and that no material had been placed on record to demonstrate any modification or redesignation of the land under the Master Plan or the Zonal Development Plan.

9. The Petitioner in W.P.(C) 1185/2026, namely, Narmada RWA, assailed the aforesaid judgment before the Supreme Court by way of SLP (C) No.34056/2026. The Special Leave Petition was disposed of as withdrawn, granting liberty to the Petitioner to approach this Court by way of a Review Petition and, if the decision in the Review Petition was adverse to it, to approach the Supreme Court. The relevant portion of the order passed by the Supreme Court reads as under:

> *"Mr. Sanjiv Sen, learned senior counsel for the petitioner after arguing at some length, upon instructions, seeks permission to withdraw this petition leaving it open for the petitioner to approach the High Court by way of a review petition as according to him factual inaccuracies have crept in the impugned order.*
>
> *The Special Leave Petition is accordingly dismissed as withdrawn with liberty as prayed for.*
>
> *We grant further liberty to approach this Court again in the event the decision in the proposed review petition is adverse to the petitioner."*

10. At the outset, it may be noted that both the learned senior

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counsel representing the Petitioners were called upon to identify the factual inaccuracies, if any, which had crept into the judgment dated 17.08.2026. The submissions advanced in this regard have been considered. However, on an examination of the objections raised, this Court is unable to discern any factual error warranting exercise of the review jurisdiction.

11. Learned senior counsel representing the Petitioner in W.P.(C) 1185/2026, while referring to Paragraph No.14 of the judgment under review, contended that this Court proceeded on an erroneous assumption that the Petitioners were not questioning the absence of planning approval for the proposed development.

12. The aforesaid submission, however, does not disclose any error apparent on the face of the record. A reading of the judgment dated 17.08.2026, in its entirety, would show that the controversy was examined in the context of the sanctioned layout plan governing the area. The Court had specifically noticed the stand of the DDA that the subject land was earmarked for neighbourhood commercial facilities and parking infrastructure under the original layout plan. The Court had also considered the material placed on record and found that the Petitioners had not produced any material demonstrating that the subject land had subsequently been redesignated or that the Master Plan or the Zonal Development Plan had been modified.

13. Learned senior counsel further contended that the procedure prescribed under Section 11A of the Delhi Development Act, 1957, has not been followed. This submission also does not warrant review

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of the judgment. Section 11A would be attracted where a modification of the Master Plan or the Zonal Development Plan is sought to be undertaken in accordance with the procedure prescribed therein. In the present case, the finding returned by this Court was that the proposed development was being undertaken in accordance with the original sanctioned layout plan and that no modification of the Master Plan or the Zonal Development Plan had been demonstrated. In these circumstances, the question of compliance with the procedure under Section 11A, on the premise that a modification of the aforesaid statutory plans was being undertaken, does not arise.

14. Learned senior counsel representing the Petitioner in W.P.(C) 17333/2025 adopted the submissions advanced in the connected Review Petition. In addition, the attention of the Court was invited to Paragraph Nos.4 and 11 of the judgment dated 17.08.2026.

15. Insofar as Paragraph No.4 is concerned, the same merely sets out the controversy which arose for consideration in the batch of Writ Petitions, namely, whether the DDA could proceed with the proposed development in accordance with the sanctioned layout plan notwithstanding the existing community use of the subject land as a green area. No independent finding adverse to the Petitioners has been returned in the said paragraph.

16. Likewise, Paragraph No.11 merely records the contention advanced on behalf of the Petitioners regarding the non-operational basement parking facilities. The response of the DDA, as reflected in its affidavit, is that efforts are being made to obtain the requisite

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clearance from the Fire Department for operationalising the basement parking facilities under the residential towers. The aforesaid issue, however, is distinct from the proposed development of the local shopping complex and the two-level parking facility. The mere recording of the Petitioners' contention in Paragraph No.11, therefore, cannot be construed as a factual error warranting review of the judgment.

17. Having considered the submissions advanced by learned senior counsel and examined the judgment dated 17.08.2026, this Court finds that the objections raised by the Petitioners essentially seek reconsideration of the findings already returned on the basis of the sanctioned layout plan and the material placed on record. The Petitioners have failed to demonstrate any patent error or mistake apparent on the face of the record which would warrant review of the judgment dated 17.08.2026.

18. Consequently, no ground for review is made out. The present Review Petitions, along with pending applications, are accordingly, dismissed.

ANIL KSHETARPAL, J.

AMIT MAHAJAN, J.

OCTOBER 30, 2026
s.godara/shah

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