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**IN THE HIGH COURT OF MADHYA PRADESH  
AT INDORE  
BEFORE  
HON'BLE SHRI JUSTICE VIVEK RUSIA**

**WRIT PETITION No. 2639 of 2010**

**BETWEEN:-**

**SUSHIL S/O NL. GARG, AGED ABOUT 44 YEARS,  
OCCUPATION: BUSINESS 46, OLD AGRAWAL NAGAR  
NAVLAKHA INDORE (MADHYA PRADESH)**

**.....PETITIONER**

**(BY SHRI VIMAL KUMAR GANGWAL-ADVOCATE)**

**AND**

**CHIEF EXECUTIVE OFFICER INDORE DEVELOPMENT  
AUTHORITY 7, RACE COURSE ROAD INDORE (MADHYA  
PRADESH)**

**.....RESPONDENTS**

**(BY SHRI SUDERSHAN JOSHI- GOVERNMENT ADVOCATE)**

*This petition coming on for orders this day, the court passed the  
following:*

*Heard and reserved on : 11.09.2023*

*Pronounced ; 29.09.2023*

**ORDER**

The petitioner has filed the present petition seeking quashment of communication dated 13.01.2010 whereby allotment of plot No.50/BF, Scheme No.94, Ring Road, Indore has been cancelled due to non deposit of amount.

2. The petitioner is citizen of India. The respondent IDA is constituted under the provision of M.P. Nagar Tatha Gram Nivesh Adhiniyam, 1973. The IDA invited bid for allotment of various plots in Scheme No.94 Ringroad, Sector No.B. The petitioner participated in the tender process and he was

allotted plot No.50/BF, Scheme No.94, Ring Road, Indore. Vide letter dated 25.09.1992, the petitioner was communicated of the aforesaid allotment with direction to deposit 25% of premium amount of Rs.23000 and first year rent lease Rs.2640/- in total Rs.25640/- within 30 days failing which plot shall be treated cancelled suo moto and amount of Rs.10,000/- be forfeited. Admittedly, the petitioner did not deposit the amount of Rs.25640/- within 30 days. Vide letter dated 19.09.2003, the petitioner submitted that there was delay in depositing the amount as he has not received the letter 25.09.1992. He deposited Rs.27178/- vide DDR No.566153 dated 22.01.1993 and he is ready to pay the interest in delay payment, hence, necessary action be taken. It appears that the demand draft so deposited by the petitioner was misplaced in the office of IDA and same could not be encashed, however, vide impugned communication dated 06.11.2003, the Estate Officer, IDA informed the petitioner that due to delay in not depositing the initial premium amount, allotment had already been cancelled and security amount be forfeited and same cannot be revived.

3. Vide letter dated 29.08.2009, the Estate Officer Class-II IDA made query from the Bank of India in respect of demand draft deposited by the petitioner. The Estate Officer requested Branch Manager Bank of India to issue duplicate demand draft. The Bank issued duplicate bank draft dated 03.09.2009 and same was returned to the petitioner vide letter dated 20.10.2009, hence, present petition before this Court.

4. After notice, the respondents filed reply by submitting that the petitioner was required to be deposited of Rs.25640/- within 30 days and remaining 75% amount within a period of three years by quarterly installment of

Rs.9859/-, since the petitioner had deposited only Rs.10,000/-alongwith tender, thereafter no money was deposited, hence, allotment has rightly been cancelled.

5. Plot No.50/BF, Scheme No.94, Ring Road, Indore was allotted to the petitioner vide letter dated 25.09.1992, dispatched on 30.10.1992. The petitioner was informed about the allotment with direction to deposit of Rs.25640/- within a period of 30 days. Admittedly, the petitioner did not deposit the aforesaid amount within 30 days, therefore, as per condition of allotment letter that due to non deposit of amount within 30 days, plot shall be treated as cancelled. According to the petitioner the said letter has not been received and thereafter demand draft was deposited on 22.01.1993. There is no such evidence to establish that this letter annexure P/1 was served upon to the petitioner on 21.01.1993, thereafter, he could deposit the amount within 30 days, thus there is no illegality on part of the IDA. After receipt of the letter within 30, the petitioner was required to be deposited the amount. There is admission by the petitioner that amount of Rs.25640/- was not deposited within 30 days. Hence, condition of allotment of plot has rightly been treated as cancelled automatically. There is no such provision of condonation of delay by IDA.

6. In view of above, no relief can be granted to the petitioner. Writ Petition is dismissed, accordingly.

**(VIVEK RUSIA)**  
**JUDGE**

Praveen