

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

+ LPA 884/2004

% **Date of decision: 5.2.2008**

M/S VIJAY LAKSHMI TRANSPORT CO. (REGD.) Appellant
Through Mr.Mahender Rana, Advocate

versus

MCD Respondent
Through Ms.Saroj Bidawat, Advocate

CORAM:

HON'BLE THE CHIEF JUSTICE
HON'BLE MS. JUSTICE REVA KHETRAPAL

- | | |
|---|----|
| 1. Whether reporters of local papers be allowed to see the judgment ? | no |
| 2. To be referred to the Reporter or not ? | no |
| 3. Whether the judgment should be reported in the Digest ? | no |

DR. MUKUNDAKAM SHARMA, CJ (oral)

1. The present appeal was directed against the order passed by the learned Single Judge directing the appellant to pay the charge at the new determined rate of Rs.4,500/- per sq. mtr. for the land instead of Rs.425/- per sq. mtr.
2. Counsel appearing for the appellant has drawn our attention to the order dated 25th May, 2006 passed by this Court directing the MCD to hand over possession of the plot to the persons, who had deposited Rs.1,18,000/- in terms of the demand of the MCD based on the rate of Rs.270/- per sq. mtr. It was also made clear in the said order passed by way of an interim measure on 25th May, 2006 that the appellant or any other person, who is similarly situated and who

would like to avail the benefit of the said order, must deposit the total amount as per the rate of Rs.425/- per sq. mtr. plus Rs.55/- per sq. mtr. plus Rs.75/- per sq. mtr. It was also made clear that the said amount should be deposited with the MCD within four weeks and that possession of the plot, if delivered, would be subject to the outcome of the appeal.

3. It is submitted by the counsel appearing for the appellant that although the appellant has paid the aforesaid amount in terms of the order dated 25th May, 2006, possession of the land was not handed over to the appellant for which a contempt petition was filed in this Court, which is pending for consideration.

4. Counsel appearing for the appellant states that the appellant is now ready and willing to comply with the directions passed by the learned Single Judge on 23rd October, 2002 i.e. availing of the liberty granted by the learned Single Judge to the appellant to charge at the new determined rate of Rs.4500/- per sq. mtr. and also Rs.75/- per sq. mtr. for electrification charges.

5. Implication of the aforesaid statement made by the counsel for the appellant is that he is ready and willing to carry out the observations and directions passed in the order dated 23rd October, 2002. The said order was challenged only by the appellant herein whereas the MCD has accepted the said decision by not filing any appeal as against the said order and, therefore, so far as the MCD is concerned, the said order has become final and binding.

6. Since the appellant has now agreed to comply with the observations and directions issued in the order dated 23rd October, 2002, they are permitted to abide by the order dated 23rd October, 2002.

7. Counsel for the appellant states that he will deposit the entire amount

within a week from today. If the amount is deposited within a week, the possession of the land shall also be handed over preferably within 15 days thereafter.

8. In that view of the matter, nothing survives in this appeal, which stands disposed of in terms of the aforesaid order.

CHIEF JUSTICE

REVA KHETRAPAL, J

FEBRUARY 05, 2008
nm