

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

+ **W.P.(C) 2906/2005**

**VIJENDER KUMAR SINGHAL** ..... Petitioner  
Through Mr. A K Pandey, Adv.

versus

**D.D.A** ..... Respondent  
Through Mr. Sachin Chopra, Adv.

**CORAM:**  
**HON'BLE MR. JUSTICE SANJIV KHANNA**

% **ORDER**  
**25.03.2008**

1. The petitioner was allotted flat no.502, Sector-13, Pocket-A, Phase-II, Dwarka with block dates 30.7.1999 – 3.8.1999 on hire-purchase basis. The total disposal cost was Rs.6,99,400/- and the petitioner was required to pay Rs.3,72,943.12 on or before 2<sup>nd</sup> September, 1999. The said deposit was made. The petitioner thereafter also continued to make payment on hire-purchase installments and an amount of Rs.1,35,065.36 was paid by the petitioner on different dates.
2. In spite of these payments, DDA was unable to handover possession of the flat till May, 2001 because of non-availability of basic civic facilities in the area. In these circumstances on 24<sup>th</sup> May, 2001 DDA granted deferment of monthly installments and interest relief on delayed

payment, for the flats located in Sector-13, Pocket-A, Dwarka upto 31<sup>st</sup> May, 2001. The said notification also stipulated that allottees who had not taken possession letters due to non-availability of services could collect the same and the date of validity of the possession had been extended for 90 days w.e.f. May 2001.

3. In these circumstances, I feel that the petitioner is entitled to interest on the initial deposit of Rs.3,72,943.12 from the date of deposit till 31<sup>st</sup> May, 2001. Petitioner will be also entitled to interest for hire-purchase installments paid by him till 31<sup>st</sup> May, 2001 from the date of payment till 31<sup>st</sup> May, 2001. DDA will pay interest @12 % per annum. This rate of interest is being fixed as DDA is charging interest at the rate of 18% per annum from the allottees including the petitioner.
4. The petitioner had applied for conversion from hire-purchase to cash down basis on 3.4.2002. The said application should have been processed within reasonable time of 3 months i.e. by 30<sup>th</sup> July, 2002. DDA will accordingly recalculate interest payable on hire-purchase installments for the period between 31<sup>st</sup> May, 2001 till 31<sup>st</sup> July, 2002 on the basis of their formula/policy and the petitioner will be asked to deposit balance amount, if any. Interest payable to the petitioner by DDA will be set off. Petitioner will be also liable to pay interest @ 18% per annum on the balance amount on cash down basis w.e.f 1<sup>st</sup> August,

2002. In case the petitioner has made any payment after 1<sup>st</sup> August, 2002, he will be given benefit of the same and interest will be calculated on the reducing balance.

The writ petition is accordingly disposed of.

**SANJIV KHANNA,J**

**MARCH 25, 2008**  
**vld**