

55.

* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CONT.CAS(C) 818/2011 and CM 20530/2011

SEVEN SEAS HOSPITALITY PVT LTD Petitioner
Through: Mr. S.C. Singhal, Advocate

versus

ASHOK KUMAR & ANR Respondents
Through: Ms. Sangeeta Chandra, Advocate

CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI

O R D E R

% 15.11.2011

1. The present petition is filed by the petitioner stating *inter alia* that the respondent/DDA has committed contempt of court by failing to comply with the order dated 26.09.2011, passed in W.P.(C) 6180/2011.

2. Vide order dated 26.09.2011, the petitioner was directed to deposit the disputed amount of ₹2,13,74,361/- with the respondent/DDA within one week from the date of passing of the order, without prejudice to its rights and contentions and with a right of refund in the event of succeeding in the writ petition. The question of interest on the aforesaid amount was left open for a decision in the

CONT.CAS(C) 818/2011

Page No.1 of 3

Signature Not Verified

Digitally Signed By: AMULYA
Certify that the digital file and
physical file have been compared and
the digital data is as per the physical
file and no page is missing.

✓

writ petition. It was further directed that subject to the payment being made in terms of the aforesaid order, the respondent/DDA would release the sanctioned plans to the petitioner and the petitioner would be entitled to raise construction in accordance with the plans so sanctioned.

3. Counsel for the petitioner states that the petitioner deposited a sum of ₹10,68,71,806/- with the respondent/DDA on 06.07.2011, without interest. Thereafter, as directed vide order dated 26.9.2011, the petitioner deposited a sum of ₹2,13,74,361/- with the respondent/DDA on 27.09.2011 and requested the respondent/DDA to release the building plans. But, despite these deposits and the reminders issued thereafter, the respondent/DDA has not released the building plans till date.

4. Counsel for the respondent/DDA, who appears on advance copy, states that even after depositing the aforesaid amounts, as stated by the counsel for the petitioner, the petitioner is liable to pay a sum of ₹6 lacs(approx.) towards interest for a period of one week for the delayed payment. She further states that without prejudice to the rights and contentions of the respondent/DDA to recover the said amount from the petitioner, the respondent/DDA has started to

process the plans of the petitioner for the purposes of grant of sanction and the sanctioned plans shall be released to the petitioner within a period of two weeks.

5. In view of the aforesaid assurance given by the counsel for the respondent/DDA, the present petition is disposed of with directions to the respondent/DDA to ensure that the sanctioned plans are released to the petitioner as expeditiously as possible and in any case within two weeks from today, in terms of the order dated 26.09.2011.

The contempt petition is disposed of alongwith the pending application.



HIMA KOHLI,J

NOVEMBER 15, 2011
rkb