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IN THE HIGH COURT OF DELHI AT NEW DELHI

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ARB.A. 4/2015

RAVINDER KUMAR BHAN

..... Appellant

Through: Ms. Sonia Arora Menon, Advocate.

versus

ANIL SAINI

..... Respondent

Through: Dr. Anurag Kumar Agarwal with
Mr. Varun Sharma and Ms. Niharika Satiza,
Advocates.

CORAM: JUSTICE S.MURALIDHAR

ORDER

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29.01.2015

1. In the constructed building in question admittedly the second floor has now been sold by a registered sale deed in favour of Mr. Rajiv Jain and Mrs. Sonia Jain who are nominees of the Respondent in terms of the collaboration agreement between the parties. The upper ground, the third floor and the terrace rights are with the Appellant.

2. It is not in dispute that the application for regularization has to be made for the entire building to the North Delhi Municipal Corporation ('NDMC'). Since the Appellant himself is the owner of a substantial portion of the

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Building, in which the second floor is owned by Mr. Rajiv Jain and Mrs. Sonia Jain, the Appellant himself is keen to ensure that the building gets regularized in terms of the applicable bye-laws of the NDMC. It is in the interests of all the parties that they cooperate and submit the necessary forms for obtaining the regularization and thereafter the completion certificate.

3. The said requisite documents which have to be submitted for regularization are at present with the Respondent. After hearing learned counsel for the parties, it is directed that the Appellant will sign the requisite application form of the NDMC for regularization, and append a note that the second floor has been sold to Mr. Rajiv Jain and Mrs. Sonia Jain. A further note be added that they will also sign the said application if so required by the NDMC. A separate letter to that effect from Mr. Rajiv Jain and Mrs. Sonia Jain will also be appended to the completed application form signed by the Appellant. The aforementioned signed form for regularization together with the notes as aforesaid, shall be submitted to the NDMC within a period of ten days from today. All parties will co-operate to ensure that this time-schedule is strictly adhered to.

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4. As already agreed between the parties, and recorded by the learned Arbitrator in the order dated 20th November 2012, the Respondent will apply for the completion certificate after the regularization is obtained. Till then the fixed deposit receipt ('FDR') already released to the Respondent will not be encashed and will be kept renewed by him. A copy of the FDR which has been released, shall be deposited by the Respondent with the Delhi International Arbitration Centre ('DAC'). It will be encashed only after the learned Arbitrator being informed that an application for completion certificate has been submitted by the Respondent.

5. The appeal is disposed of in the above terms. Order be given *dasti*.



S.MURALIDHAR, J

JANUARY 29, 2015

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