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

+ LPA 114/2016

RAMSAKHI & ORS Appellant
Through Mr. Himanshu Pathak, Advocate.

versus

UNION OF INDIA & ORS Respondent
Through Mr. Ripu Daman Bhardwaj,
CGSC with Mr. T.P.Singh, Advocate for UOI.
Mr. Santosh Kumar Tripathi, ASC for
respondent-GNCTD.
Mr. Devashish Bharuka and Mr.Vaibhav Niti,
Advocates for the State of Jharkhand.
Mr. Anil Grover, Standing Counsel with Ms.
Kanika Singh, Assistant Standing Counsel for
NDMC.

CORAM:
HON'BLE MR. JUSTICE SANJIV KHANNA
HON'BLE MS. JUSTICE JAYANT NATH

ORDER
% **19.09.2016**

C.M.No. 34009/2016

This is an application by the appellants alleging non-compliance of the order dated 10th August, 2016 by the respondent-Delhi Urban Shelter Improvement Board.

2. It is stated that the appellant Nos.1 to 3 have deposited

Rs.1,42,000/- each with the Delhi Urban Shelter Improvement Board. Appellant No.4, it is stated, had succeeded in the appeal preferred by him and had deposited Rs.1,42,000/- on 14th September, 2016 and the proof of deposit was also furnished to the Delhi Urban Shelter Improvement Board on 15th September, 2016.

3. The stand now taken by the Delhi Urban Shelter Improvement Board is that in view of the decision dated 4th August, 2016 in W.P.(C) No.5888/2015, Government of *NCT of Delhi & Others Vs. UOI & Others* and other connected matters, the file relating to the policy decision has now been referred to the Lieutenant Governor for appropriate action.

4. Learned counsel for the State of Jharkhand, who is appearing on advance notice, states that they have already deposited Rs.1,10,15,000/- and any further delay would lead to and cause great problems and difficulties, for the constructions of the Jharkhand Bhawan Guest House is being stalled.

5. In these circumstances and as the State of Jharkhand has deposited Rs.1,10,15,000/- and appellant Nos.1 to 4 have already

deposited Rs.1,42,000/- each, the Delhi Urban Shelter Improvement Board will comply with the order dated 10th August, 2016. We note that the order dated 10th August, 2016 was primarily in the nature of a consent order. Payment of Rs.1,10,15,000/- was made by the State of Jharkhand on their own after they had received a letter from the Delhi Urban Shelter Improvement Board.

6. With regard to appellant No.5, he is being held to be ineligible. Consequences, as stated in the order dated 10th August, 2016 will flow and will be applicable to the appellant No.4.

7. Compliances would be made by the Delhi Urban Shelter Improvement Board by 22nd September, 2016. This time has been fixed, as requested by the counsel for the Delhi Urban Shelter Improvement Board. We make it clear that in case there is any prolongation and inaction, the State of Jharkhand will be entitled to claim damages from the Delhi Urban Shelter Improvement Board for the delay and loss caused.

The application is disposed of.

Dasti.

SANJIV KHANNA, J.

JAYANT NATH J.

SEPTEMBER 19, 2016
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