

\$~22

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

+ **W.P.(C) 2332/2015**

AMAR NATH HIRA

..... Petitioner

Through **Mr.Manoj Kumar Yadav, Advocate.**

versus

DELHI DEVELOPMENT AUTHORITY

..... Respondent

Through **Ms.Pallavi Shali, Advocate.**

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

%

07.09.2016

Present writ petition has been filed challenging the demand-cum-allotment letter dated 25th September, 2014 as well as for issuance of a fresh demand-cum-allotment letter at the 2009 rates in compliance with the order dated 16th December, 2009 passed by a Coordinate Bench of this Court. The operative portion of the judgment and order dated 16th December, 2009 is reproduced hereinbelow:-

“.....the respondents are, thus, directed to issue fresh demand-cum-allotment letter to the petitioner within a period of three months after adjusting the amount of Rs.1.00 lakh. The petitioner will be entitled to make the payment as per the schedule to be fixed in the allotment-cum-demand letter. Upon receipt of payment, possession of the flat will be handed over to the petitioner within a period of one month. Learned counsel for the petitioner agrees that in case the amount is not paid by the petitioner his client will not ask for condonation of delay. Consequently, writ petition is disposed of in above terms.”

Learned counsel for the petitioner states that in accordance with the judgment and order dated 16th December, 2009, the respondent-DDA was duty bound to charge the rate prevalent in the year 2009.

On the other hand, learned counsel for the respondent-DDA states that a letter dated 19th September, 2012 was issued to the petitioner requesting him to appear before one of its officials on any Monday or Thursday. According to the respondent-DDA, the petitioner chose to appear only on 19th May, 2014 and, therefore, the current cost of the flat as on 19th May, 2014 was calculated and a fresh demand-cum-letter was issued to him.

However, this Court is of the view that the judgment dated 16th December, 2009 is clear and categorical. The fresh demand-cum-allotment letter had to be issued to the petitioner within three months after adjusting the amount of Rs.1 lakh. Since the petitioner's writ petition was allowed on 16th December, 2009, the respondent-DDA could not have charged rate other than the rate prevalent as on 16th December, 2009.

Consequently, the present writ petition is allowed and the respondent-DDA is directed to issue a fresh demand-cum-allotment letter in compliance with the order dated 16th December, 2009 at the 2009 rates within a period of four weeks.

Accordingly, the writ petition stands disposed of.

MANMOHAN, J

SEPTEMBER 07, 2016
KA