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

+ LPA 509/2016

M/S HORIZON INFRATEL & ORS Appellant
Through Mr. C. Hari Shankar, Sr. Advocate
with Mr. Arun Monga, Mr. Jagdish N. and Mr.
Pushkar Kr. Singh, Advocates.

versus

DELHI DEVELOPMENT AUTHORITY Respondent
Through Mr. Ajay Verma, Sr. Standing
Counsel for the DDA.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MS. JUSTICE SUNITA GUPTA

ORDER

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15.09.2016

The Supreme Court in their judgment dated 12th April, 2016 in Civil Appeal No. 3783 of 2016 had specifically stated and directed the Delhi Development Authority to take possession of the property immediately without resorting to eviction proceedings as M/s. Anant Raj Agencies Pvt. Ltd. was in unauthorised possession of the property. Similar observations and directions are to be found in sub-paragraph A to paragraph 35 of the judgment. The appellants herein cannot claim independent right, for they were granted tenancy or occupation right by M/s. Anant Raj

Agencies Pvt. Ltd. or their predecessors. We also find that the learned single Judge in the impugned order has recorded the undertaking given by the appellants herein that they would hand over the vacant physical possession of the property to the Delhi Development Authority on or before 30th September, 2016.

Reliance placed by the learned counsel for the appellants on the order passed in W.P.(C) No.7304/2016, ***To and Fro & Anr. Vs. Delhi Development Authority*** granting time to the petitioners therein till 15th November, 2016, was distinguished on the ground that in the said case the petitioners therein were Chartered Accountants, who had to file returns on or before 30th September, 2016 and they required time to wind up because of professional commitments.

Be that as it may, when the order of the Supreme Court is clear and categorical, we do not see any reason to interfere and grant further time. The order/judgment of the Supreme Court was pronounced on 12th April, 2016 and almost six months have lapsed.

At this learned counsel for the appellant submits that they

want to file an affidavit/undertaking in terms of the impugned order dated 31st August, 2016. In case, the appellants have not filed the said undertaking, the time to file the said undertaking is extended up to 17th September, 2016.

The appeal is accordingly dismissed with the aforesaid observations.

SANJIV KHANNA, J.

SUNITA GUPTA, J.

SEPTEMBER 15, 2016
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