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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ LPA 566/2016
LIC HOUSING FINANCE LIMITED

..... Appellant
Through Mr B.B. Sawhney, Sr. Adv. with Ms
Indira Sawhney and Mr Aditya
Shandilya, Advs.

versus
NISHA JAIN & ANR

..... Respondent
Through Mr Dhanesh Relan, Standing Counsel for
DDA

CORAM:
HON'BLE MR. JUSTICE SANJIV KHANNA
HON'BLE MS. JUSTICE SUNITA GUPTA

ORDER
19.10.2016

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CM 38310/2016 (exemption)

Exemption allowed subject to all just exceptions.

The application is disposed of.

LPA 566/2016 & CMs 38309/2016 (stay) and 38311/2016 (for filing additional documents)

LIC Housing Finance Limited by this Intra Court Appeal impugns the order dated 20.09.2016 passed by the learned Single Judge in W.P.(C) No.2408/2014 titled '*Nisha Jain v LIC Housing Finance Limited & Anr.*'

At the outset, we would record that the appellant has not challenged the direction that the inter se dispute between the appellant – LIC Housing Finance Limited and the Delhi Development Authority be examined by the Secretary, Ministry of Urban Development who is the Secretary of the nodal Ministry of the Delhi Development Authority. To this extent, learned counsel appearing for the Delhi Development Authority also states that the said authority has no objection.

As far as the directions to deposit Rs.6,43,234/- with the Registrar General of this Court, we do not see any reason to interfere as the learned Single Judge has

exercised his discretion. The said deposit is without prejudice to the rights of the appellant as well as the Delhi Development Authority would and abide by the decision of the Secretary, Ministry of Urban Development. Thus, except for making the deposit, no prejudice and harm is caused. The complaint and grievance is rather sparse for interference.

At this stage, learned counsel for the appellant submits that the aforesaid directions can be misconstrued as indicative of opinion of the Court on merits. We clarify that there is no such observation in the impugned order and the direction to deposit Rs.6,43,234/- will not be construed any observation, even prima facie, to the said effect or against the appellant.

Learned counsel for the appellant submits that the appellant had agreed to pay Rs.4,40,000/- to the Delhi Development Authority in full and final settlement. Learned counsel for the Delhi Development Authority contradicts the said assertion. This issue will be examined and gone into by the Secretary, Ministry of Urban Development.

Learned counsel for the appellant submits that certain amounts included in figure of Rs.10,83,234/- are not payable and should not be charged by the Delhi Development Authority. This dispute will also be gone into and examined by the Secretary, Ministry of Urban Development.

With the aforesaid observations, we dispose of the present appeal with no orders as to costs.

Pending CMs are also disposed of.

Copy of this order will be given *dasti* under the signature of the Court Master to counsel for the parties.

SANJIV KHANNA, J

SUNITA GUPTA, J

OCTOBER 19, 2016/rd