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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CONT.CAS(C) 1227/2016 & CM APPL. 43000/2016

GURU NANAK VIDYA BHANDAR TRUST Petitioner

Through Mr. A.K. Vali with Mr. Tuhin,
Advocates

versus

R K GAUBA UNION OF INDIA & ORS Respondents

Through Mr. Abhay Prakash Sahay, CGSC
for R-1.Mr. Vinod Kumar Goyal with
Mr. Abhinav Singh, Advocates for
R-2 and 3.Ms. Jyoti Tyagi, Proxy Counsel for
Mr. Yeeshu Jain, Advocate for R-4
and 5.**CORAM:****HON'BLE MR. JUSTICE MANMOHAN****ORDER**

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21.11.2016

Present contempt petition has been filed alleging wilful disobedience of order dated 8th May, 2009 passed in W.P.(C) 729/2008 whereby it was agreed that the estimated compensation for the land, i.e., 9, Jantar Mantar, Connaught Place would be re-determined in accordance with the decision taken by the Government of NCT of Delhi as contained in para 7 of the affidavit filed by the Land Acquisition Collector [LAC] on 5th May, 2009 and it was further agreed that the fresh estimated compensation, subject to the final determination, would be paid to the petitioner within one month.

Mr. A.K. Vali, learned counsel for the petitioner states that LAC despite holding in his award dated 6th August, 2009 that the prevailing circle rate as notified by Govt. of NCT of Delhi on 18th July, 2007 was Rs. 43,000/- per sq. mtr. for residential area, has only paid compensation at Rs. 20,000/- per sq. mtr., which is less than 54% of the notified circle rate.

Mr. Vali states that the learned Additional District Judge-02 & Waqf Tribunal/NDD (ADJ) vide order dated 30th September, 2016 has disposed of the application filed by the petitioner under Section 31 proceedings with liberty to the petitioner to file the present contempt petition before this Court for non-compliance of the order dated 8th May, 2009.

Mr. Vali also states that Section 18 proceedings are pending adjudication before the same learned ADJ.

This Court is of the view that since the present contempt petition is *ex facie* barred by limitation, the order passed by the ADJ is contrary to law.

Consequently, the order dated 30th September, 2016 is set aside and the ADJ is directed to rehear and decide afresh the petitioner's application for release of compensation at the then prevailing circle rate of Rs. 43,000/- per sq. mtr. in accordance with law and order dated 08th May, 2009 within six weeks. The ADJ is also directed to expedite the hearing of Section 18 petition filed by the petitioner and dispose of the same, preferably within six months.

With the aforesaid observations and directions, present petition and application are disposed of.

Order dasti.

NOVEMBER 21, 2016

MANMOHAN, J

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