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

\+ W.P.(C) 1684/2014

RAMESH KUMAR VIRMANI..... Petitioner
Through Mr. Barun Kumar Sinha with
Ms. Pratibha Sinha, Advocates

versus

DELHI DEVELOPMENT AUTHORITY ..... Respondent
Through Mr. Kush Sharma with Ms. Ekta
Luthra, Advocates

CORAM:
HON'BLE MR. JUSTICE MANMOHAN

O R D E R

% **02.03.2017**

Present writ petition has been filed seeking quashing of cancellation order dated 5th June, 2007 as well as direction to respondent-DDA to deliver possession of the flat in terms of the draw held on 23rd March, 2006.

While it is the petitioner's case that neither the demand-cum-allotment letter nor the show cause notice or the cancellation order was ever communicated to the petitioner, it is the respondent-DDA's case that the demand-cum-letter as well as the show cause notice dated 23rd March, 2007 and the cancellation order dated 5th June, 2007 was communicated to the petitioner. Learned counsel for respondent-DDA in support of his contention has placed on record certain extracts of the despatch register as well as alleged proof of delivery dated 3rd March, 2007 which is stated to bear the

signature of either the petitioner or his authorised representative.

Needless to say, learned counsel for the petitioner vehemently disputes the aforesaid facts.

Consequently, this Court is of the opinion that very serious disputed questions of fact arise for consideration in the present proceedings.

At this stage, learned counsel for the petitioner states that he would file a civil suit seeking similar reliefs.

Accordingly, present writ petition is disposed of with liberty to the petitioner to file a civil suit seeking similar reliefs in accordance with law. To facilitate filing of the suit, it is clarified that the time spent in prosecuting the present writ petition shall stand excluded while determining the period of limitation for the said proceedings.

This Court clarifies that it has not expressed any opinion on the merits of the case. The rights and contentions of all parties are left open.

Order dasti.

MANMOHAN, J

MARCH 02, 2017
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