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

+ W.P.(C) 17210/2006

NAMGYAL INSTITUTE OF RESEARCH Petitioner

Through Mr. M.Dutta, Advocate.

versus

D.D.A & ANR Respondents

Through Mr.Rajiv Bansal, Sr.Advocate for
DDA with Ms.Niharika and
Mr.Anurag Tripathi, Advocates.
Mr.Lalit Gupta with Mr.Siddharth,
Advocates for R-3.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

% **18.04.2017**

C.M.No.3075/2012

Present application has been filed by the petitioner for substitution. It is stated that the petitioner has amalgamated with Turner Morrison Limited.

Keeping in view the averments in the application, present application is allowed. Let an amended memo of parties be filed within a period of one week.

C.M.No.5375/2009 and CM No.1441/2007

Present applications have been filed under Section 340 Cr.P.C.

The Constitution Bench of the Supreme Court in *Iqbal Singh Marwah Vs. Meenakshi Marwah*, (2005) 4 SCC 370 has held that prohibition contained in Section 195 of Cr. P.C. is attracted only when

the offences enumerated in the said provision have been committed with respect to a document after it has been produced or given in evidence in a proceeding in any court, i.e., during the time when the document was “*custodia legis*”.

Since that is not the situation in the present case, the applicants are granted liberty to file appropriate criminal proceedings before the concerned Court. However, it is clarified that this Court has not made any observation on merits of the applications.

With the aforesaid liberty, present applications are disposed of.

W.P.(C) No.17210/2006

Present writ petition has been filed seeking de-sealing of the premises situated in Qutub Institutional Area.

Mr. M. Dutta, learned counsel for Namgyal Institute of Research states that the present writ petition has been filed without authority by a director/employee of M/s Turner Morrison Ltd. i.e. Mr.Ravindra Maheshwari.

Since this Court vide order dated 11th August, 2016 in C.M.No.13722/2015 in W.P.(C) No.14645/2006 has already directed the DDA to refund the amount of Rs.10,34,06,259/- paid by Turner Morrison, this Court is of the view that no relief can be granted in the present petition till the issue of restoration of lease is decided in W.P.(C) No.14645/2006.

It is pertinent to mention that this approach is in consonance with the order dated 30th October, 2012 passed in C.M.No.9932/2012 in W.P.(C) No.14645/2006 by the learned predecessor of this Court.

Consequently, the present writ petition is disposed of with liberty to the writ petitioner as well as Turner Morrision to file a petition for de-sealing after W.P.(C) No.14645/2006 has been disposed of.

MANMOHAN, J

APRIL 18, 2017
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