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

+ LPA 378/2017 & CMs 18857-59/17

SUNLIGHT PROJECTS PVT LTD

..... Appellant

Through: Mr. Anil Sapra, Senior Advocate
with Mr. Pankaj Bhagat, Mr. Kartik Bhardwaj,
Ms. Piyusha Singh, Mr. Jaideep Singh and Mr.
Sarthak Katyal, Advocates

versus

D D A & ORS

.....Respondents

Through: Ms. Mini Pushkarna, Standing
Counsel with Ms. Anushruti and Ms.
Vasundhara Nayyar, Advocates for respondent-
SDMC
Ms. Nandita Rao, ASC for respondent-DJB
Mr. Dhanesh Relan and Mr. Sanjeev Sabharwal,
Standing Counsel with Ms. Akshita Manocha,
Advocate for respondent-DDA

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

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21.09.2017

After some hearing, learned counsel submitted that liberty may be reserved to appellant to question the forfeiture of the entire earnest money deposit (to the tune of ₹4,45,75,000/-).

This Court finds no infirmity with the learned Single Judge's findings with respect to the alleged arbitrary action of the DDA in cancelling the allotment. However, the impugned judgment has not dealt with—nor could have properly dealt with—the reasonableness of the

forfeiture and possible contentions of the parties. In these circumstances, the appellant is granted liberty to agitate its rights, in accordance with law before a civil court. This Court also clarifies that the time spent in present litigation i.e. writ petition and the subsequent appeal, shall be excluded, from consideration of limitation under Section 14 of *the Limitation Act*.

The appeal is disposed of in above terms. The pending applications also stand disposed of.

**S. RAVINDRA BHAT
(JUDGE)**

**SUNIL GAUR
(JUDGE)**

SEPTEMBER 21, 2017

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