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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CM(M) No.765/2017 & CM No.25942/2017 (for stay).
JAI SHREE LALA Petitioner
Through: Mr. M.L. Sharma, Adv.
versus
HARBANS SINGH & ANR Respondents
Through: Respondent no.1 present in person.
Mr. Kush Sharma and Mr. Lalit
Mohan, Advs. for DDA.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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30.08.2017

1. This order is in continuation of the earlier orders dated 24th July, 2017 and 24th August, 2017.
2. The respondent no.1 appearing in person states that he has been unable to find anything in law to rebut the observations of this Court in the orders dated 24th July, 2017 and 24th August, 2017 and that he will now file a suit for specific performance of the Agreement to Sell by the petitioner of the property in favour of the respondent no.1.
3. The counsel for the respondent no.2 Delhi Development Authority (DDA) on enquiry states that DDA has not complied with the order dated 19th May, 2017 impugned in this petition.
4. Resultantly the petition is allowed; the order dated 30th August, 2013 and the purported decree dated 30th August, 2013 in RC/ARC/E-37/10 of the Court of Shri Manish Yaduvanshi, SCJ-cum-RC (South), Saket Courts Complex, New Delhi and, the order dated 19th May, 2017 in Ex. No.82712/16 of the Court of Ms. Priya Mahendra, SCJ-cum-RC (South),

Saket Courts, New Delhi are also set aside, as being beyond the competence and jurisdiction of the Rent Controller / Additional Rent Controller constituted under Delhi Rent Control Act, 1958. It is however clarified that setting aside of the order and decree dated 30th August, 2013 shall not prevent the respondent no.1 from enforcing in accordance with law the agreement / compromise, if any arrived at with the petitioner, and the respondent no. 1 shall be entitled in accordance with law to take appropriate proceedings with respect thereto; similarly the petitioner shall be entitled to contest the said proceedings on all grounds available in law.

5. The respondent no.1 having taken a reasonable stand, the parties to bear their own costs.

6. Copies of orders dated 30th August, 2013 and 19th May, 2017 supra and copies of the orders dated 24th July, 2017 and 24th August, 2017 and today's order in this proceeding be forwarded to the two Judicial Officers named above, for introspection and be also placed before Hon'ble the Chief Justice for appropriate orders.

RAJIV SAHAI ENDLAW, J

AUGUST 30, 2017

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