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

+ W.P.(C) 6630/2017

FUTURE METALS PVT LTD Petitioner
Through: Counsel (appearance not given).

versus

NATIONAL BUILDINGS CONSTRUCTION
CORPORATION LTD AND ORS Respondents
Through: Mr Ravinder Agarwal, Advocate for
R-3 (CVC).

CORAM:
HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER
% **04.08.2017**

CM No. 27549/2017

Exemption is allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(C) 6630/2017 and CM No. 27548/2017

The petitioner has filed the present petition, *inter alia*, praying for an order quashing the letter dated 12.09.2012 whereby respondent no.1 had transferred the property bearing no. Floor Plate no.2, admeasuring 9153 Sq. Ft. at 2nd Floor, NBCC Plaza, Pushp Vihar, Saket, New Delhi in favour of respondent no.2. The petitioner was a successful bidder for the said property and had also paid the requisite consideration for the same. It is the petitioner's case that the said property was transferred by one of its employees who had forged certain documents and an FIR in this regard has also been lodged.

The learned counsel for the petitioner has also pointed out that by an order passed by the Civil Court, Bangalore, the petitioner was restrained from alienating any of its immovable assets and this would also include the property in question. He further submits that transfer of the property by respondent no.1 is in violation of the tender conditions. Clause 3.12(vii) of the tender documents relates to agreement to sell. In terms of the said clause, NBCC had stipulated that no request for transfer would be entertained after one year of the letter of acceptance or signing of sub-lease, whichever is earlier.

As it is apparent from the above, the controversy in the present case involves disputed question of facts: Firstly, the question whether there was any forgery requires to be determined and second, the question of the alleged collusion between officers of respondent no.1 and one of the petitioner's employees, Mr O. Prasada Rao.

In the circumstances, this Court does not consider it apposite to entertain the present controversy in the petition filed under Article 226 of the Constitution of India.

The petition and the application are, accordingly, dismissed with the liberty to the petitioner to raise its claim by way of appropriate proceedings.

VIBHU BAKHRU, J

AUGUST 04, 2017
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