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

+ **RFA 277/2006**

JAGJIT SINGH MOHAN

..... Appellant

Through: Mr. Anil Sharma, Advocate (Mobile
No. 9811532453)

versus

M/S ANSAL HOUSING & CONSTRUCTION LTD. AND ORS.

..... Respondents

Through: Mr. Rahul Sharma, Ms. Jyoti Dutt
Sharma Mr. C.K. Bhatt and Mr. Papas
Tyagi, Advocates (Mobile No.
9811555971)

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

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09.10.2018

1. This appeal is disposed of in terms of the consent order that the appellant/plaintiff is entitled to and has received ownership and possession of the suit shop bearing no. GF-26C, Majestic Tower at Plot No. 17, Block-G, Community Centre, Vikas Puri, New Delhi-110018. The appellant is liable to pay a sum of Rs.88,338/- to the respondent no. 1 and this payment has already been made by the appellant to the respondent no. 1 and which will cover the maintenance charges up to December, 2006, capital replacement fund charges upto December, 2006, service tax on the aforesaid amounts and late payment interest charges as under:-

Common Maintenance Charges	Rs.29512/-
Capital Replacement Fund	Rs. 4991/-

Ground Rent	Rs.10253
Service Tax at 10.2%	Rs. 468
Service Tax at 12.24%	Rs. 970
Interest for late payment	Rs.42144
Total	<u>Rs.88338</u>

2. The respondent however has received a sum of Rs.1,43,672/- under orders of this Court and therefore the difference of the amount being a sum of Rs.55,334/- will be available to the appellant being in the pocket of the respondent no. 1 as on 1.1.2007, and any claim of the respondent no. 1 from 1.1.2007 for maintenance charges or any other valid contractual charges payable as per the agreement entered into between the parties, would be adjusted from this amount of Rs.55,334/- to be taken as available to the respondent/defendant as on 1.1.2007.

3. It is observed that nothing is said in this order with respect to entitlement to an amount or any other aspect with respect to any other claim which may exist of each party against the other, and which is not specified herein above, and due as on 1.1.2007 or thereafter.

4. This appeal is accordingly disposed of in terms of the aforesaid consent order.

5. The amount deposited by the appellant in this Court by way of an FDR (along with accrued interest) in terms of the order of the Division Bench of this Court dated 19.12.2006, be released to the respondent no. 1 in terms of the present order.

VALMIKI J. MEHTA, J

OCTOBER 09, 2018/^{AK}
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