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

+ RSA 52/2017

DELHI DEVELOPMENT AUTHORITY Appellant
Through: Mr. Sanjeev Sagar, Advocate.

versus

DALIP KUMAR Respondent
Through

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **13.02.2018**

C.M. Nos.3874/2017 (for modification) & 3876/2017 (for waiver of costs)

1. By these applications, the appellant-Delhi Development Authority (DDA) seeks waiver of costs of Rs.1 lakh imposed upon the appellant while dismissing the appeal by the judgment dated 18.9.2017. There is also an application for deleting the reference to the appellant as “Don’t Do Anything”. The fact that these applications are filed is again an indication that the appellant and its officers think that they are above all for all intents and purposes.

2. The facts of the case have been noted in detail in the judgment dated 18.9.2017 and which showed that the respondent/plaintiff/deeree

holder first was harassed by contesting the main suits. After the respondent/plaintiff was successful in the suit and was held entitled to the allotment of the plot, the officers of the appellant thereafter failed to give the necessary plot resulting in the respondent/plaintiff/decreed holder having to file execution proceedings. There should not have been any contest to the execution proceedings but the appellant filed objections in the execution proceedings. The objections were dismissed and the decree was directed to be executed against the appellant. Appellant did not stop there and even filed the first appeal. The first appeal filed by the appellant was dismissed by the first appellate court confirming the judgment of the executing court and the first appellate court also imposed costs of Rs.5 lacs. In such a scenario the appellant not only should not have filed the second appeal which was totally frivolous but the appellant in fact pressed the same for passing of the judgment. Hence the judgment dated 18.9.2017 was passed referring to the appellant as “Don’t Do Anything” because really the appellant was not doing anything as expected of it qua the decreed holder and in fact was harassing the respondent/plaintiff/decreed holder with all its might available to the appellant which is a gargantuan organization.

3. In the facts of the present case therefore besides dismissing the appeal by the detailed judgment on 18.9.2017, costs of Rs.1 lakh was also imposed upon the appellant.

4. In view of the aforesaid facts there is no reason for deleting the reference to the appellant as “Don’t Do Anything” and nor is there any reason for waiving the costs. Obviously the appellant will never be wiser at any stage and it only wants to use its financial muscle and the size muscle to harass common citizens of this country. This is not acceptable.

5. Dismissed.

VALMIKI J. MEHTA, J

FEBRUARY 13, 2018

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