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

+ W.P.(C) 11720/2017

DEFENCE COLONY MARKET WELFARE ASSOCIATION
(REGD) AND ORS.

..... Petitioners

Through Mr. A.S. Chandhiok, Sr. Advocate with
Mr. Manish Kumar, Mr. Mahip Datta, Mr. Piyush
Kaushik & Ms. Sanya Lamba, Advocates.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through Mr. P.C. Sharma & Mr. Vinnie Sharma,
Advocates for the Monitoring Committee of
Supreme Court.

Mr. Rajeshwar Dagar, Standing Counsel for
respondent No. 3.

Mr. Naushad Ahmad, ASC (Civil) for respondent
No. 2-GNCTD.

Mr. Arjun Pant, Advocate for DDA.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

18.01.2018

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Monitoring Committee has filed a report, which makes reference to earlier orders passed by the Supreme Court of India and their submission is that the present writ petition before High Court should not be entertained.

2. Counsel for the petitioners accepts that they had appeared before the Supreme Court on behalf of the present petitioners on 9th January, 2018 for

modification of the order dated 3rd January, 2018 and the matter has been posted for hearing after six weeks.

3. Counsel for the petitioners states that the report filed by the Monitoring Committee refers to the policy now notified and they would deposit Rs.22,274/- per square meter of built up area for the upper floor with the third respondent without prejudice to their rights and contentions that the properties in question can be only used for commercial purposes and not for residential purposes. The third respondent would thereupon inform the Monitoring Committee. He submits that the petitioners do not accept and submit to the jurisdiction of the Monitoring Committee and without prejudice to their rights, they will approach the said Committee after making deposit in terms of the new policy.

4. Counsel for the Monitoring Committee submits that it is open to the petitioners to move an application for de-sealing of the property after depositing payment under the new policy and if any application is filed, the same would be considered and appropriate orders would be passed. He submits that Rs.1 lac per property is required to be deposited.

5. Learned counsel for the petitioners states that the direction of the Supreme Court to deposit Rs.1 lac is not applicable to them and applies where appeals were pending before the Tribunal. Further, the petitioners would file application without prejudice to their rights and contentions and the writ petition may be disposed of, leaving the questions raised open. He submits that in case the petitioners are aggrieved, they would take appropriate steps.

6. In view of the statements made, the writ petition is dismissed as withdrawn. We clarify that we have not issued any directions or made

observations on any aspect.

Dasti under signature of the Court Master.

SANJIV KHANNA, J.

CHANDER SHEKHAR, J.

JANUARY 18, 2018
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