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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 14th January, 2019

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W.P.(C) 867/2016 & CM APPL. 3826/2016 (*for direction*)

YATINDER KUMAR

..... Petitioner

Through: Mr. Dilip Singh, Adv.

versus

DELHI DEVELOPMENT AUTHORITY Respondent

Through: Mr. Padam Kant Saxena and
Mr. Deepak R. Dahiya, Adv.

CORAM:

HON'BLE MR. JUSTICE C.HARI SHANKAR

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ORDER (ORAL)

14.01.2019

1. This writ petition challenges the cancellation, by the respondent, of the allotment granted to the petitioner under the New Pattern Registration Scheme, 1979 (hereinafter referred to as “the NPRS”).

2. This writ petition prays for allotment of an appropriate flat to the petitioner, under the NPRS.

3. The dispute in the writ petition essentially centres on whether there has been appropriate service of the letter of allotment to the

petitioner. Whereas the respondent seeks to contend that service had been sought to be effected, but could not be effected for no fault of the respondent, the contention of the petitioner was that no service had been effected to the petitioner and that the cancellation of the allotment, was, therefore, *ex facie* contrary to law.

4. It is not necessary for this Court to enter into the nitty-gritties of the dispute, inasmuch as, during the course of proceedings, the respondent offered to grant possession, to the petitioner, of the flat at 1283, Block-A, First Floor Pocket C, Lok Narayan Puram, Delhi – which was the flat originally allotted to the petitioner – subject, however, to the petitioner agreeing to pay the cost of the flat as on date. On 8th May, 2018, learned counsel appearing for the petitioner, on instructions, submitted that his client is willing to pay the present cost, i.e. ₹ 23,01,109/- of the flat. Learned counsel for the petitioner reiterates the said submissions today.

5. Learned counsel appearing for the petitioner, on instructions, submits that the above amount would be paid within eight weeks. This is acceptable to learned counsel for the respondent who submits that, within four weeks of payment of the said amount, possession of the above flat would be given to the petitioner.

6. Recording the said submission, this writ petition does not survive any further for consideration and is disposed of, binding both parties to their respective undertakings.

7. Learned counsel for the respondent submits that the present arrangements should be limited to the facts of this case, and should not be treated as a precedent in other matters. Needless to say, as the present order is being passed on consent, there shall be no question of treating this case as a precedent in law, as each case would depend on its own facts.

C. HARI SHANKAR, J

JANUARY 14, 2019

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