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

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Judgment delivered on: 10.07.2020

+ CONT.CAS(C) 53/2020
SURESH KUMAR Petitioner

versus

TARUN KAPOOR Respondent

+ CONT.CAS(C) 56/2020
RAJENDRA PRASAD Petitioner

versus

TARUN KAPOOR Respondent

+ CONT.CAS(C) 317/2020
NIRMALA Petitioner

versus

TARUN KAPOOR Respondent

+ CONT.CAS(C) 318/2020
SUBHASH CHAND DHIGAN Petitioner

versus

TARUN KAPOOR Respondent

+ CONT.CAS(C) 319/2020
GANDETI KRISHNA RAO Petitioner

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to HMJ Sanjeev Chhdeva.

CONT.CAS(C) 53/2020 &
4 connected matters

Page 1

versus

TARUN KAPOOR

..... Respondent

Advocates who appeared in this case:

For the Petitioners: Mr. Yashish Chandra, Advocate.

For the Respondent: Mr. Rajiv Bansal, Sr. Advocate with Mr. Dhanesh Relan, Advocate.

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

CM APPL.14608/2020 (exemption from filing duly certified copies, duly attested affidavits and court fee) in CONT.CAS(C) 56/2020

Exemption is allowed subject to all just exceptions. The duly attested copy of affidavits and court fee shall be filed within one week of the resumption of the regular functioning of the Court.

CONT.CAS(C) 53/2020 & CM APPL.2854/2020 (for interim relief), CM APPL.13814/2020 (stay), CONT.CAS(C) 56/2020 & CM APPL.2861/2020 (for interim relief), CM APPL.14607/2020 (under Order 39 Rules 1 & 2 CPC), CONT.CAS(C) 317/2020 & CM APPL.13496/2020 (for interim relief) & CONT.CAS(C) 318/2020 & CM APPL.13498/2020 (for interim relief) & CONT.CAS(C) 319/2020 & CM APPL.13500/2020 (for interim relief)

1. The hearing was conducted through video conferencing.

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CONT.CAS(C) 53/2020 &
4 connected matters

Page 2

2. Petitioners seek a direction to DDA to comply with order dated 07.02.2019 in LPAs filed by the DDA, impugning order dated 08.12.2016, passed by a learned Single Judge of this Court in a batch of writ petitions.

3. By order dated 07.02.2019, the DDA was directed to issue fresh demand-cum-allotment letters to the petitioners. Petitioners were allottees of plots of land measuring 28 square meters each under the Expandable Housing Scheme – 1996.

4. Since the order was not complied with, these petitions were filed. During pendency of these contempt petitions, applications were filed seeking stay of auction of the plots by DDA under the Expandable Housing Scheme – 1996 and further to direct the DDA to reserve a plot for each of the petitioners.

5. Learned senior counsel appearing for the DDA submits that Special Leave Petitions have been filed impugning the judgment in the Writ Petition and also the judgment in the Letters Patent Appeal and notice has already been issued by the Supreme Court in those petitions.

6. An affidavit has been filed by the Respondents in these proceedings except in CONT.CAS(C) 56/2020.

7. Learned senior counsel for the DDA, under instructions, submits that the affidavit filed in the other petitions is an identical affidavit and the same also holds good for CONT.CAS(C) 56/2020.

8. The affidavit has been filed by Mr. C. Tete, the Deputy Director, EHS Department of Delhi Development Authority. The affidavit states as under:-

“4. I say that when the instant matter came up for hearing before this Hon’ble Court, Ld. Senior Counsel upon instruction has submitted that there are several plots (sic flats) available in Rohini area admeasuring 28 square meters under the Expandable Housing Scheme, 1996 and in case the respondent DDA is not successful in the above mentioned Special Leave Petition, a plot (sic flat) of 28 sq. meters under the EHS, Rohini, shall be made available for allotment of the Petitioner herein in terms of the said scheme. I say that the aforesaid submission/undertaking as was given by the Ld. Sr. Advocate appearing for the DDA was given on the instructions as were given by the DDA.

5. I say that DDA has enough plots (sic flats) under the Expandable Housing Scheme, Rohini, admeasuring 28 sq. meters to be given to the Petitioners in Cont. Cas(C) 53/2020 titled as ‘Suresh Kumar Versus Tarun Kapoor’; Cont. Cas(C) 317/2020 titled ‘Nirmala v. Tarun Kapoor’; Cont. Cas(C) 318/2020 titled ‘Subhas Chand Dhigan v. Tarun Kapoor’; and ‘Gandeti Krishna Rao v. Tarun Kapoor’, in case the DDA is not successful in the SLP’s filed before the Hon’ble Supreme Court of India, subject to the petitioners complying with the requirements of the allotments.”

9. Learned senior counsel for the DDA, under instructions, submits that the DDA is bound by the affidavit and there are sufficient number of plots available under the Expandable Housing Scheme – 1996 and in case the DDA is not successful in the Special Leave Petitions, a plot of 28 square meters under the Expandable Housing

Scheme – 1996 shall be allotted to the petitioners herein. He submits that so long as the Special Leave Petitions are not disposed of, plots equivalent to the number of petitioners shall always be kept available under the Expandable Housing Scheme – 1996.

10. The undertaking is accepted. DDA is bound by the undertaking. DDA shall allot a plot of 28 square meters under the Expandable Housing Scheme, 1996, Rohini to the respective petitioners in case the DDA is not successful in the Special Leave Petitions.

11. Petitions are, accordingly, disposed of reserving liberty of the petitioners to apply afresh in case need so arises.

12. Copy of the judgment be uploaded on the High Court website and be also forwarded to learned counsels through email.

JULY 10, 2020
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SANJEEV SACHDEVA, J