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

+ **CONT.CAS(C) 348/2019**

SURESH KUMAR

..... Petitioner

Through: Ms. Jyoti Bajaj, Advocate with
Petitioner in person.

versus

ANIL BAIJAL, CHAIRMAN, DDA

..... Respondent

Through: Mr. Manoj Kumar Sharma, Advocate

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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11.03.2020

In this contempt petition, the petitioner has made the following prayer:-

"It is, therefore prayed that the THIS Hon'ble Court may be pleased to initiate such necessary contempt proceedings against the respondent for the contemptuous acts committed by them for the violation of order dt.23.10.2018 passed by Hon'ble Mr. Justice Sunil Gaur, in the interest of justice, equity and circumstances of the. (sic)"

The grievance from which the proceedings arise was the failure of the respondent/Delhi Development Authority to allot a flat to the petitioner under the DDA Housing Scheme-2010. In this backdrop, *vide* order dated 23.10.2018 made in W.P.(C) No.11439/2018, the petition was disposed of with the following directions:-

"In the facts and circumstances of this case, it is deemed appropriate to dispose of this petition with direction to respondent to pass a speaking order on petitioner's Legal

Notice (Annexure P-8) while treating it as a representation, within a period of twelve weeks from today and its fate be conveyed to petitioner within two weeks thereafter, so that petitioner may avail of the remedies as available in law, if need to be.

With aforesaid directions, this petition and the application are accordingly disposed of. "

Learned counsel appearing for the respondent/DDA states that pursuant to order dated 23.10.2018, the petitioner's legal notice was treated as a representation, was considered and a speaking order dated 13.04.2019 was passed thereon in the following terms:-

"xxxxx

4. Since you had failed to deposit the demanded cost of flat and requisite documents within the stipulated period, the allotment of above said flat was cancelled by the competent authority. Accordingly, the cancellation letter was issued to him on 27.12.2012 followed by another letter dated 22.03.2013 with request to apply for refund of registration money as per terms and conditions of the brochure but you had failed to apply for refund till date. The formal cancellation letter was sent on 2.9.13 but the same returned undelivered.

5. Since, you had deposited the amount of Rs.399125/- towards Stamp Duty and no payment towards cost of flat has been deposited by you, the same may be got refunded from collector of stamp, Govt. of NCT of Delhi, with submission of CD paper in original as enclosed herewith.

6. The above said HIG flat No.509, Fifth Floor, Pocket D-6, Block-S-3, Vasant Kunj, New Delhi after cancellation, has been allotted to Captain S.L. Sharma vide letter No.F.125(02)12/SFS/VK/II/802 dated 17.11.17.

7. Since there was no provision of granting of time extension to make the payment under DDA Housing Scheme-2010 and the same has been closed, you are not entitled for allotment of flat. Hence, you may be advised to

apply for refund of registration money and the same will be refunded as per terms and conditions of Scheme mentioned in the broucher."

Counsel for the respondent accordingly contends that order dated 23.10.2018 stands complied with, although with some delay; and that therefore nothing survives in the present petition.

Learned counsel appearing for the petitioner on the other hand states, that what is stated in order dated 13.04.2019 is factually incorrect ; but that the petitioner will avail his remedies against the same in accordance with law.

In the circumstances, the present petition is disposed of, leaving it open to the petitioner to avail his remedies against order dated 13.04.2019 in accordance with law.

The petition stands disposed of in the above terms.

ANUP JAIRAM BHAMBHANI, J.

MARCH 11, 2020/vk