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

% ***Date of decision: 15th May, 2023***

+ **CONT.APP.(C) 21/2023 & CM APPL.25064-66/2023**

**B.K. MANDAL UNDER SECRETARY MINISTRY OF HOUSING
AND URBAN AFFAIRS** Appellant

Through: Mr. Chetan Sharma, Additional
Solicitor General of India with Mr.
Apoorv Kurup, CGSC, Mr. Amit
Gupta, Mr. Saurabh Tripathi, Mr.
Aakarsh Srivastava and Ms. Kirti
Dadheech, Advocates

versus

**DELHI URBAN SHELTER IMPROVEMENT BOARD THROUGH
ITS DIRECTOR REHABILITATION AND ORS. Respondents**

Through: Ms. Aakriti Garg, Standing Counsel
with Mr. Parvinder Chauhan,
Advocate and Mr. Prakash, LA for
DUSIB
Mr. Anuj Aggarwal, ASC -GNCTD
with Ms. Ayushi Bansal, Ms. Arshya
Singh and Mr. Aakash Dahiya,
Advocates for R-2

+ **CONT.APP.(C) 22/2023 & CM APPL.25069-73/2023**

B.K. MANDAL, UNDER SECRETARY Appellant

Through: Mr. Chetan Sharma, Additional
Solicitor General of India with Mr.
Apoorv Kurup, CGSC, Mr. Amit
Gupta, Mr. Saurabh Tripathi Mr.
Aakarsh Srivastava and Ms. Kirti
Dadheech, Advocates

versus

**DELHI URBAN SHELTER IMPROVEMENT BOARD THROUGH
ITS CHIEF EXECUTIVE OFFICER
AND ANR**

.... Respondents

Through: Ms. Aakriti Garg, Standing Counsel
with Mr. Parvinder Chauhan,
Advocate and Mr. Prakash, LA for
DUSIB
Mr. Anuj Aggarwal, ASC -GNCTD
with Ms. Ayushi Bansal, Ms. Arshya
Singh and Mr. Aakash Dahiya,
Advocates for R-3

+ CONT.APP.(C) 23/2023& CM APPL.25076-80/2023

**B.K. MANDAL UNDER SECRETARY MINISTRY OF HOUSING
AND URBAN AFFAIRS**

..... Appellant

Through: Mr. Chetan Sharma, Additional
Solicitor General of India with Mr.
Apoorv Kurup, CGSC, Mr. Amit
Gupta, Mr. Saurabh Tripathi Mr.
Aakarsh Srivastava and Ms. Kirti
Dadheech, Advocates

versus

**DELHI URBAN SHELTER IMPROVEMENT BOARD THROUGH
ITS DIRECTOR REHABILITATION & ORS**

.... Respondents

Through: Ms. Aakriti Garg, Standing Counsel
with Mr. Parvinder Chauhan,
Advocate and Mr. Prakash, LA for
DUSIB

CORAM:

**HON'BLE MR. JUSTICE SURESH KUMAR KAIT
HON'BLE MR. JUSTICE TUSHAR RAO GEDELA**

J U D G M E N T (oral)

1. Since the issue(s) raised in these appeals are same and similar, therefore, these appeals have been heard and disposed of together.

2. Vide these appeals, appellant is seeking setting aside of the impugned order dated 02.03.2023 passed by learned Single Judge Contempt Case (C) No. 936/2021, Contempt Case (C) No.864/2017 and Contempt Case (C) No.515/2019.

3. Learned Additional Solicitor General of India has informed this Court that four writ petitions were filed by the slum dwellers for rehabilitation and allotment of flats in Delhi vide W.P.(C) 705/2011, W.P.(C) 1798/2011, W.P.(C) 3430/2017 & W.P.(C) 5378/2017 under the various schemes of the State Government. W.P.(C) 5378/2017 was disposed of and was allowed in favour of the petitioners therein vide order dated 01.08.2017.

4. Being aggrieved DUSIB filed an S.L.P. before the Hon'ble Supreme Court and the same was dismissed vide order dated 09.02.2023. Thus, the order dated 01.08.2017 passed in the aforesaid W.P.(C) 5378/2017 attained finality.

5. Learned ASG for appellant has informed this Court that there was no direction passed to the Union of India in W.P.(C) 5378/2017, therefore, Union of India did not challenge the said order, however, challenged by DUSIB.

6. Learned ASG further submits that there is no contempt arising against the appellant as there is no wilful disobedience of the directions passed by Court in any of the aforesaid writ petitions and moreover, in view of para 17 of the Review Petition No.81/2022 filed by DUSIB in W.P.(C) 3430/2017.

7. However, since the Union of India was originally not a party in any of the aforesaid writ petition, i.e. W.P.(C) 705/2011, W.P.(C) 1798/2011, W.P.(C) 3430/2017 & W.P.(C) 5378/2017, thereafter, Union of India was impleaded in W.P.(C) 5378/2017.

8. Learned ASG submits that Review Petition No.81/2022 was filed by DUSIB in W.P.(C) 3430/2017 wherein Union of India was impleaded as party and in the said petition Union of India has filed an affidavit, however, the petition is still pending consideration.

9. It is further submitted by learned ASG that in the contempt petition, an affidavit has already been filed by Central Government, however, that has been though considered by the learned Single Judge but not in true spirit.

10. Learned ASG further submits that since the review petition is pending wherein counter-affidavit has been filed by Union of India and that is to be taken into consideration, therefore, the Contempt Court may be directed not to proceed further till Review Petition No.81/2022 filed by the DUSIB is adjudicated after considering the counter-affidavit filed by Central Government.

11. Accordingly, we hereby dispose of these appeals requesting the learned Single Judge not to proceed further in the contempt cases until Review Petition No.81/2022 is decided.

12. Pending applications also stand disposed of.

(SURESH KUMAR KAIT)
JUDGE

(TUSHAR RAO GEDELA)
JUDGE

MAY 15, 2023/rk