



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

% Date of decision: August 1, 2023

+ W.P.(C) 8820/2023

SANJAY KUMAR Petitioner

Through: Mr. Surender Singh, Adv.

versus

GOVT OF NCT OF DELHI AND ORS Respondents

Through: Mr. Prashant Manchanda, ASC,
GNCTD with Ms. Nancy Shah, Ms.
Khushboo Tomar, Mr. Angad Singh
and Mr. Divakar, Adv. for R1 and
R3.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

V. KAMESWAR RAO, J. (ORAL)

1. This petition has been filed by the petitioner with the following prayers:

“That in view of the above facts and circumstances of the present case, it is therefore, most humbly prayed that this Hon’ble Court may graciously be pleased to:

A. Direct R-2 & R-3 to transfer the shares/ownership of Flat no.118 in Shri Badrinath CGHS Ltd., Plot No.18, Sector-4, Dwarka, New Delhi- 110078, Membership no.473 in the name of petitioner in their official records;

B. Direct R-2 & R-3 to not to treat the petitioner tenant rather the petitioner be treated as an owner of the aforesaid flat and not to charge extra amount of Rs.



6000/- as Annual Maintenance Charge from the petitioner;

C. Direct the R-2 & R-3 from raising subsequent enhanced demand of Rs.87,135/- in the name of outstanding dues against the petitioner in the name of development charges as the same is bad in law, arbitrary and capricious in nature and in violation of notification issued by R-3 itself & in contravention of the order of Hon'ble High Court of Delhi;

D. Direct the R-2 to refund the amount of Rs.50,000/- with 9% interest which was illegally realized from previous owner Brig. M. Narayana Swamy on 07.06.2005 to the petitioner;

E. Direct the R-3 to take legal action against R-2 for violating the notification issued by R-3 in 2001 and 2002;

F. Cost of legal expenses of Rs. 2 Lakh may be granted in favour of petitioner jointly or individually from R- 2 & R-3.

G. Direct the R-2 & R-3 to compensate the petitioner jointly or individually of Rs.15 Lakh for mental agony, trauma and harassment;

H. Pass any other Order(s) as this Hon'ble Court may deems fit and proper in the aforesaid facts and circumstances of the present case”

2. On the last date of hearing, learned counsel appearing for the respondent Nos. 1 & 3 had taken time to take instructions. Today he states, he has instructions to convey to the Court that a communication was sent to respondent No.2 / Society seeking reply on the complaint made by the petitioner. He do concede that reply is not forthcoming from the respondent No.2 resulting in a reminder dated July 28, 2023 sent by the RCS granting 7 days time to file reply.



3. He states, if no reply is forthcoming within 7 days further action shall be taken by the RCS in accordance with law in four weeks thereafter.

4. Taking the submission on record, the petition stands disposed of.

V. KAMESWAR RAO, J

ANOOP KUMAR MENDIRATTA, J

AUGUST 1, 2023/jg