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

Date of decision: 20.12.2023

+ **CM(M) 1979/2023 & CM APPL. 61954/2023**

DELHI JAL BOARD

..... Petitioner

Through: Ms Richa Kapoor, Mr Kunal Anand,
Mr Amresh Bind and Ms Eesha
Sharma, Advocates

versus

ASHOK KUMAR THROUGH LRS & ORS. Respondents

Through: Mr I.S. Dahiya, Advocate for 1(i) to
1(iv).

Mr Sanjay Kumar Pathak, Standing
Counsel with Mrs. K.K. Kiran Pathak,
Mr Sunil Kumar Jha, Mr M.S. Akhtar
and Mrs. Archana Kumari, Advocates
for R-2/UOI

Mr Shashi Pratap Singh, Mr
Gauravdeep Singh, Mr Sparsh
Agarwal and Ms Urvashi, Advocates
for R-3/DDA

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

J U D G M E N T

MANMEET PRITAM SINGH ARORA, J (ORAL):

CM APPL. 61950/2023 (for exemption)

Allowed, subject to all just exceptions.

Accordingly, the present application stands disposed of.

CM(M) 1977/2023

1. This Petition filed under Article 227 of the Constitution of India impugns the order dated 15.09.2023 passed by ADJ-01, North District,

Signature Not Verified

Digitally Signed
By: MAHIMA SHARMA
Signing Date: 25.12.2023
17:15:28



Rohini Courts, Delhi ('Executing Court') in Ex. Civil No. 406/2022, titled as **Ashok Kumar (deceased) Thr LRs. & Ors. v. Union of India & Anr**, whereby the Executing Court dismissed the objections filed by the Judgment Debtor no.2 i.e., Delhi Jal Board ('DJB'); and proceeded to issue warrants of attachment with respect to the bank account of DJB.

1.1. The Petitioner herein is the Judgment Debtor No.2. Respondent No. 1 (i) to (iv) are the decree holders and Respondent No.2 (i.e., LAC) is the Judgment Debtor No.1 before the Executing Court.

1.2. The Respondent No. 3 i.e., Delhi Development Authority ('DDA') is not a party in the execution petition; however, since DDA is the beneficiary of the acquisition proceedings, DJB has impleaded them in this petition.

2. This Court vide order dated 06.12.2023 had directed DJB, DDA and LAC to hold a joint meeting to resolve the issue which has arisen in this matter. This matter has been taken up pursuant to the said order.

3. The learned counsel for Respondent No. 3 i.e., DDA has handed over the minutes of meeting held on 15.12.2023 between Land Acquisition Collector ('LAC'), DDA and DJB as directed by this Court vide order dated 06.12.2023. He is directed to have the minutes of meeting placed on record.

3.1 He states that at this meeting DDA has acknowledged its obligation to bear the award of compensation. He states that the DDA is ready and willing to deposit the compensation amount within a period of four (4) weeks.

4. The learned counsel for the Respondent No. 2 i.e., LAC states that the enhanced compensation amount was duly quantified as is evident from the letter dated 16.02.2023, which has been filed at 'Annexure P-6' in this petition.

5. The learned counsel for the Petitioner i.e., DJB states that pursuant to



the impugned order dated 15.09.2023 the funds of the Petitioner in its bank account had been attached and are presently lying deposited with Executing Court.

5.1 She states that in view of the admission of liability by Respondent No. 3, appropriate directions be passed for release of money to DJB and the land owners respectively.

6. The learned counsel for Respondent Nos 1(i) to (iv) states that the demand recorded in the letter dated 16.02.2023 is outdated and the land owners are entitled to the compensation amount along with up-to-date interest as per the impugned order dated 15.09.2023.

7. This Court has been informed that the order dated 15.09.2023 has been implemented and after attachment of DJB's bank account an amount of Rs. 14,00,554/- stands deposited with the Executing Court.

8. This Court has considered the submission of the parties. In the aforesaid facts and circumstances, the following directions are issued:

(i) An amount equal to Rs. 14,00,554/- will be paid by Respondent No.3 to the Petitioner i.e., DJB before the Executing Court on or before 20.01.2024. The Demand Draft will be drawn in the name of Delhi Jal Board.

(ii) Upon the aforesaid payment by Respondent No.3 to Petitioner, DJB, the learned Executing Court is requested to release the amount deposited with the Executing Court in favour of the Respondent Nos 1(i) to (iv)

9. The aforesaid directions are acceptable to all the parties present in the Court. The Respondent No.3 i.e., DDA is directed to ensure that timely compliance of these directions so as to resolve this issue amicably.



10. The Petitioner, Respondent No.2 and Respondent No. 3 are bound down to their statements.

11. In view of this amicable resolution between the parties, the objection of issue of the maintainability of this petition has not been pressed by the Respondents.

12. With the aforesaid directions, the present petition stands disposed of. Pending application also stand disposed of.

13. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J

DECEMBER 20, 2023/rk/ms

Click here to check corrigendum, if any