



2024 : DHC : 3207



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

% Judgment delivered on: 22.04.2024

+ W.P.(C) 267/2021 & CM APPL. 665/2021

ERUDITION CONSTRUCTION PRIVATE LTD

& ANR.

..... Petitioners

versus

FINANCIAL COMMISSIONER DELHI

& ORS

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Mr.Sunil Dalal,Sr. Advocate with Mr. rahul, Mr. Irshad and Mr. Manish Saroha, Advocates

For the Respondent : Mr. N. S. Dalal, Mr. Alok Kumar, Ms. Rachna Dalal, Ms. Sweta Kadyan, Mr. Vishvender Tanishq Tyagi, Advocates for R-2
Mr. Lalitaksh Joshi, Advocates for R-3

CORAM:**HON'BLE MR. JUSTICE TUSHAR RAO GEDELA****JUDGMENT****TUSHAR RAO GEDELA, J. (ORAL)****[The proceeding has been conducted through Hybrid mode]**

1. This is a writ petition under Article 226 of the Constitution of India, 1950, seeking *inter alia* the following reliefs:-

“(a) Issue a writ of Certiorari or any other appropriate

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By: VINOD KUMAR
Signing Date: 29.04.2024
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writ quashing/setting-aside impugned order dated 15.11.2019 in case No. 158/2019 and 159/2019 passed by the Court of Financial Commissioner, Delhi;

(b) Issue a Writ of Mandamus or any other appropriate writ directing the Court of Financial Commissioner, Delhi to hear the matter denovo after issuing notices to all the concerned & interested parties and pass the appropriate order in time bound manner;”

2. After hearing the parties, this Court observes that the petitioners were not made party before the Financial Commissioner and would be a party which could be affected by the outcome of the impugned order. On that basis, it is deemed appropriate to set aside the impugned order dated 15.11.2019 and remand the same for fresh consideration by the Financial Commissioner. The petitioners shall also be made a party to the Revision Petition RC case No. 158/2019 and 159/2019 captioned as *Smt. Sudha Aggarwal Vs. Consolidation Officer (Nangli Poona)*.

3. The petitioners shall be entitled to file reply with all the relevant documents as required in law within two weeks from the date the matter is taken up for consideration by the Financial Commissioner. The rejoinder thereto be filed within two weeks thereafter by the respondent no.2 herein.

4. Consequent upon completion of pleadings, the Financial Commissioner is directed to rehear the matter and dispose of the same in accordance with law while considering the arguments and contentions of the parties. The Financial Commissioner shall also afford an opportunity to the petitioners as also to respondent no.2 herein to urge all factual and legal grounds as available and taken as part of the present pleadings



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before a speaking order is passed.

5. The learned Financial Commissioner shall endeavour to conclude the proceedings within three months from the date of receipt of this order.

6. Parties are directed to appear before the Financial Commissioner on 06.05.2024.

7. Though, admittedly, no interim order was passed by this Court, however, taking into consideration the arguments placed before this Court, the status quo as obtaining today in respect of possession and title shall continue and ought to be maintained by the parties till the Financial Commissioner passes the final order.

8. The petition is disposed of along with pending application.

TUSHAR RAO GEDELA, J.

APRIL 22, 2024/ms