



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

% **Judgment reserved on: 11 December 2023**
Judgment pronounced on: 08 January 2024

+ LPA 16/2021 & CM APPLs. 879/2021, 880/2021, 881/2021 & 5420/2021

NEW DELHI MUNICIPAL COUNCIL Appellant

Through: Mr. Yoginder Handoo, ASC with
Mr. Tushar Sannu, Mr. Ashwin
Kataria, Ms. Medha Gaur & Mr.
Garvit Solanki, Advs.

versus

TEK CHAND NARULA AND ORS Respondents

Through: Mr. S.N. Choudhri, Ms. Shruti
Choudhri & Mr. Anil Kr.
Sharma, Advs. for R- 1 to 3.
Mr. Anurag Ahluwalia & Mr.
K.K. Jha, Adv. for R- 4 & 5.
Mr. Febin Mathew Varghese,
Mr. Dhiraj Abraham Philip &
Mr. Aby Abraham, Advs. for R-
6.

+ LPA 89/2023 & CM APPLs. 5711/2023, 5712/2023, 5715/2023

UNION OF INDIA & ANR. Appellants

Through: Mr. Kamal Kant Jha, Adv.

versus

SHRI TEK CHAND NARULA & ORS. Respondents

Through: Mr. S.N. Choudhri, Ms. Shruti
Choudhri & Mr. Anil Kr.
Sharma, Advs. for R- 1 to 3.



Mr. Yoginder Handoo, ASC with
Mr. Tushar Sannu, Mr. Ashwin
Kataria, Ms. Medha Gaur & Mr.
Garvit Solanki, Advs. for
NDMC.

CORAM:
HON'BLE MR. JUSTICE YASHWANT VARMA
HON'BLE MR. JUSTICE RAVINDER DUDEJA

J U D G M E N T

YASHWANT VARMA, J.

1. The **New Delhi Municipal Corporation**¹ as well as the Union Government along with the **Land and Development Officer**² has instituted these two **Letters Patent Appeals**³ assailing the judgment rendered by the learned Single Judge on 27 August 2019 as corrected and modified vide order dated 18 September 2020. The writ petitions preferred by the respondents were effectively disposed of with the following operative directions: -

“21. Thus, given the foregoing discussion, the two orders of even date dated 18 October 2007 issued by the L&DO rejecting the petitioners’ application for mutation and conversion of property from leasehold to freehold are quashed. Likewise, the demand notices dated 14 March 2011 and order dated 26 August 2014 are also quashed. The L&DO is directed to recalculate the misuse charges and damages for unauthorized construction after giving the benefit of Clause 7 of Office Order No. 23/1976.

21.1 In the meanwhile, the L&DO will consider the petitioners’ application for mutation and conversion of the property from leasehold to freehold upon the petitioners paying the admitted sum of Rs.4,68,732/- in addition to penalty at the rate of 1% equivalent to

¹ NDMC

² L&DO

³ LPAs



Rs.4,687/-. This amount will be deposited within a period of two weeks from the date of receipt of a copy of the judgment.

21.2 The consideration of the application for mutation and conversion will be subject to further amounts if any, determined by the L&DO in terms of the directions issued hereinabove. An undertaking by way of an affidavit will be filed by the petitioners stating that if further amounts are found due to be payable towards misuse charges and damages for unauthorized constructions by the L & DO, the same will be paid.

21.3 The petitioners, however, will have the right to assail the determination, albeit, in accordance with the law.

21.4 Furthermore, upon payment of the misuse charges and damages for unauthorized construction, the L&DO will revoke the re-entry order as imposition of damages for revocation of the same would be wholly unfair in the given facts and circumstances as no such case is set up in the pleadings nor was anything to that effect communicated to the petitioners in all these years.

21.5 In order to effectuate the issuance of the mutation of the property in favour of the petitioners, respondent No. 3/NDMC will hand over a certified copy of the sanctioned plan to the L&DO without waiting for a "scrutiny report" being issued in that behalf by the L&DO."

2. The respondents herein had preferred a writ petition before the learned Single Judge assailing two orders dated 18 October 2007 issued by the L&DO rejecting their application for mutation and conversion of the property from leasehold to freehold as well as the Demand Notices dated 14 March 2011 and 26 August 2014 relating to the computation of misuse charges and damages for unauthorized construction as drawn by the L&DO. The L&DO had also conveyed the amount that the respondents were liable to pay for the said authority to consider recalling the re-entry notice which had come to be issued.

3. Since the litigation inter partes has had a long and chequered history, it would be appropriate to note some of the salient facts leading



upto the filing of the writ petition.

4. On 19 December 1938, a perpetual lease deed came to be executed by the Governor General in Council in favor of Mr. Daulat Ram Narula. The respondents in the present appeal are the heirs of the original lessee. As has been noted by the learned Single Judge, the appellants in the course of inspection found that parts of the subject property had been let out from time to time and was used by tenants contrary to the terms of the perpetual lease executed in favor of Mr. Daulat Ram Narula. This led to the issuance of a communication dated 18 November 1959 calling upon the original lessee to correct the breaches committed within a period of 30 days from the issuance of that letter. The aforesaid communication was followed by a re-entry notice of 15 May 1960. The original lessee submitted a reply to the re-entry notice on 04 June 1960. However, the Chief Commissioner did not find the explanation to be satisfactory and consequently indicated its intention to re-enter the property on 07 November 1960. The aforesaid re-entry order was followed by a letter of the L&DO dated 08 December 1960 in terms of which the original lessee was apprised of the intent of the L&DO to take possession of the property on 17 December 1960.

5. This led to Mr. Daulat Ram Narula instituting a suit for injunction in the Tis Hazari Courts in 1961. The record would bear out that during the pendency of the aforesaid suit, the issue of quantification of damages for unauthorized use as well as breaches of the original lease also arose for consideration. The records appended to



the appeal preferred by the L&DO carries a tabular statement of a computation of damages and additional charges payable by Mr. Daulat Ram Narula which was placed on the record of the Trial Judge pursuant to the directions issued on 29 February 1980. Apart from the aforementioned computation chart which was filed in the suit proceedings on 14 April 1980, we find that the L&DO also and in addition to the above, refers to a Notice of Demand dated 25 April 1994 computing the total amounts payable by the heirs of Mr. Daulat Ram Narula if they were to seek regularization and condonation of breaches as well as withdrawal of the re-entry notice.

6. Reverting to the suit proceedings it is pertinent to note that on 08 September 1980, the Sub-Judge First Class dismissed the suit with costs. The aforesaid order was assailed by way of an appeal wherein on 18 November 1980, an interim order was passed restraining the appellants from canceling the lease or re-entering the subject property.

7. During the pendency of the appeal proceedings, Ms. Kaushalya Rani, the wife of the original lessee, applied to the NDMC for sanction of building plans. It is however significant to observe that the plans so submitted were essentially for regularization of various additions and alterations which were made on the property. The aforesaid building plans were referred to the L&DO inviting a scrutiny report. The regularization plan ultimately came to be approved by the NDMC vide a resolution passed on 13 July 1981. The sanction was made subject to fulfillment of the following conditions: -



“...Plans committee resolved and Administrator decided that Plans be approved subject to following:-

- (i) Party depositing compounding charges of Rs.97612/- for regularisation the construction already carried out at site.
- (ii) Corrections.
- (iii) Submission of structural stability certificate and mutation deed/lease deed/lease plan.
- (iv) Depositing of balance of PSF of Rs. 311/-.”

8. The respondents were formally apprised of the sanction so accorded by the NDMC in terms of its aforementioned resolution vide a letter dated 16 July 1981. As would be evident from a reading of that letter, the respondents were to effect compliance within seven days and have the plans released. Apart from the various conditions stipulated in that letter, the respondents were directed to deposit a sum of Rs. 97,612/- for regularization of constructions already carried out and also submit a mutation deed. Acting upon the aforesaid letter, the respondents addressed a communication dated 11 September 1981 enclosing payments of Rs. 97,612/- and Rs. 311/- in purported compliance of the letter dated 16 July 1981. The respondents parallelly vide a letter of 21 September 1981 informed the NDMC that they had affected due compliance with the conditions as imposed.

9. On 28 January 1982 the appeal of the respondents which was pending in the Tiz Hazari Courts was withdrawn and these developments have also been noticed by the learned Single Judge who observed that the respondents appear to have withdrawn the appeal in order to “buy peace” and have the unauthorized constructions regularized.



10. We have already alluded to the demand which was raised in 1994 apprising the respondents of the charges that were liable to be paid if they were desirous of seeking condonation of breaches of the lease deed as well as for withdrawal of the re-entry notice. However, nothing further appears to have progressed in that regard. The learned Single Judge has then alluded to the exchange of communications which commenced from the issuance of a letter on 18 March 2004 by the L&DO who yet again referred to the violations of the original lease deed and called upon the respondents to remedy the same failing which they would be held liable to pay charges as detailed therein. Faced with the aforesaid letter, the respondents apprised the L&DO that the alleged unauthorized construction, addition and alterations to the subject property had already been regularized by the NDMC when it had accorded sanction to the regularization plan in terms of its Resolution of 13 July 1981 and the formal communication of that sanction on 16 July 1981.

11. The learned Single Judge has also taken note of the repeated requests made by the respondents for mutation of the subject property in their name which too were not acted upon by the L&DO. The representations made in this respect ultimately came to be rejected by the L&DO on 18 October 2007. The learned Single Judge has then taken note of a communication of 17 March 2008 addressed by the L&DO calling upon the respondents to submit the building plans which had been duly sanctioned by the NDMC. It was the case of the respondents at that stage that the NDMC was refusing to hand over an



authenticated copy of the sanctioned building plans bearing in mind the number of years which had passed since permission had originally been granted. The respondents also appear to have asserted before the learned Single Judge that while on the one hand the NDMC was refusing to hand over a copy of the sanctioned plan since the property was not mutated in their favor, the L&DO on the other, was not proceeding with mutation in the absence of the sanctioned building plans being submitted. The dispute revolving around the submission of sanctioned building plans appears to stem from the same not being traceable on the records of the NDMC and the L&DO. It was in these circumstances that the respondents approached this Court vide W.P. (C) No. 11388/2009.

12. In the said writ petition, an order dated 16 December 2010 was passed whereby the L&DO was, inter alia, directed to raise a demand qua misuse charges. Consequent thereto, a demand was raised by the L&DO on 14 March 2011. Since the demand, according to the respondents was exorbitant and legally unsustainable, an application was moved to amend the pending writ petition to assail the demand, which came to be allowed. On 26 February 2013, W.P. (C) No. 11388/2009 was disposed of with the matter being remanded to the L&DO with a direction to consider a fresh representation of the respondents. The L&DO considered the fresh representation made by the respondents and vide order dated 26 August 2014 rejected the plea of the respondents with regard to imposition of charges for misuse and unauthorised construction while reducing the rate of penalty from 10%



to 1%. It was this action by the L&DO which led to the respondents filing W.P (C) No. 2428/2015.

13. Ultimately, and upon a consideration of the rival submissions that were addressed, the learned Single Judge has come to record the following conclusions. The Court has in Para 12.6 of the impugned judgment taken note of a letter of 15 February 1982 addressed by the respondents to the L&DO asserting that they had withdrawn all litigation pursuant to the request of that authority and they were agreeable to pay reasonable charges that may be computed for the alleged breaches as well as withdrawal of the re-entry notice. The learned Judge proceeded further to observe in paragraph 15.1 that the crystallization of charges by the L&DO took place only on 14 March 2011 and thus *“after a period of nearly 28 years, if not more”*. Similarly, in respect of the demand for misuse charges, the learned Judge has taken note of the subsequent order of 26 August 2014 and which had scaled down the computation only insofar as penalty was concerned.

14. The learned Single Judge also took note of the contention addressed on behalf of the L&DO and at whose behest it was argued that once an order of re-entry comes to be passed, the same can be revoked only upon requisite damages being paid by the occupant/lessee. On a consideration of the aforementioned contentions, the learned Judge proceeded to frame the following issues which appeared to arise for consideration: -



“16. Based on the arguments and counter-arguments advanced by counsel for the parties, to my mind, the following issues need to be answered:

- (i) As to whether the L&DO has any power to levy misuse charges, recover damages for unauthorized construction or damages for revocation of re-entry order?
- (ii) Whether the imposition of misuse charges or damages for unauthorized construction are separate from damages imposed for revocation of the order of re-entry?
- (iii) Whether with the passing of Office Order No. 8/1999, Clause 7 of Office Order No. 23/1976 stood effaced?
- (iv) Whether the petitioners would be entitled to the benefit of provisions of Clause 7 of Office Order No. 23/1976? And if so, for what period?
- (v) Whether the L&DO was guilty of delay and laches in not notifying the amounts which petitioners were required to pay towards misuse charges, damages for unauthorized construction and damages for revocation of re-entry order?”

15. Insofar as issue (i) was concerned, the same came to be answered in favor of the appellants with the jurisdictional challenge to the levy of misuse charges and damages as raised by the respondents being negated. Issue (ii) related to certain provisions of a policy circular dated 25 June 1996. However, and since the same would have a bearing, if at all, only on the question of computation of damages, we need not dilate on the same.

16. The learned Single Judge thereafter proceeded to rule on the remaining issues by observing in Para 20.5 that the L&DO was responsible for “*piling up*” the liability of misuse charges and damages by delaying the formal “crystallization” thereof. It has been observed in Para 20.7 that the L&DO was thus guilty of delay and laches in not formalizing the demand. It is this foundational reasoning which has led



to the learned Single Judge setting aside and quashing the orders dated 18 October 2007 as well as the demand notices dated 14 March 2011 and 26 August 2014. The learned Single Judge has consequently framed directions for the L&DO to recalculate the misuse charges after extending the benefit of Clause 7 of the Office Order No. 23/1976. It has additionally framed directions for the L&DO to consider the respondents' application for mutation and conversion of the property from leasehold to freehold upon payment of the admitted sum of Rs.4,68,732/- in addition to penalty at the rate of 1%. Insofar as the question of sanctioned plans is concerned, the learned Single Judge has directed the NDMC to hand over a certified copy of the sanctioned plan without awaiting a scrutiny report being issued in that behalf by the L&DO.

17. Post judgment having been rendered on 27 August 2019, the NDMC appears to have moved an application before the learned Single Judge for modification. The aforesaid application came to be disposed of on 18 September 2020 in the following terms:

“CM No. 22654/2020

1. This is an application filed on behalf of NDMC seeking modification of the judgement dated 27.08.2019.
2. As would be evident, the application has been moved after more than one year has elapsed since the date the aforementioned judgement was passed.
3. That being said, Mr. Anil Grover, who appears on behalf of the NDMC, says that the concerned committee of the NDMC, vide resolution dated 13.07.1981, granted its approval to the plan submitted by the petitioners subject to certain conditions.



3.1 It is Mr. Grover's stand that those conditions have not been fulfilled.

4. On the other hand, Mr. S.N. Chaudhri, who appears on behalf of the petitioners, says that except the condition concerning acquisition of the mutation permission, all other conditions were fulfilled.

4.1 In support of this submission, Mr. Chaudhri has drawn my attention to paragraph 6 of the counter-affidavit filed by NDMC in the writ petition. The said paragraph is extracted hereafter:

"6. That the applicant vide their letter dated 21/09/1981 (Copy of the same is annexed herein as ANNEXURE C) has complied with some condition of approval:

- *Deposited Rs. 97,612/- as compounding charges for regularization of the construction already carried out at site.*
- *Structural Stability Certificate*
- *Corrections*
- *Deposited Rs. 311/- balance of PSF (plan sanction fees)*

However, the applicant has not submitted any [sic: any] ownership document i.e., mutation/ Lease Deed/ Lease Plan."

4.2 It is Mr. Grover's submission that the NDMC had, in fact, despatched the plan, albeit, with conditions to the L&DO on 24.06.1981.

4.3 Mr. Grover says that the L&DO's response is that they do not have in their records the aforementioned plan.

5. Given these circumstances, Mr. Grover says that the plan can be reconstructed based on a copy of the plan submitted by the petitioners at the relevant time.

6. Accordingly, it is directed that the petitioners will submit a copy of the plan available with them to the NDMC.

6.1 The NDMC will, thereafter, take necessary steps, in that behalf, in line with the judgement dated 27.08.2019. This exercise will be completed within the next four weeks.

7. The captioned application is disposed of in the aforesaid terms."



18. It is this order which now requires the NDMC to move forward and issue a reconstructed sanctioned map based on a copy of the plan that may be submitted by the respondents. Insofar as the NDMC is concerned, it has in these appeals reiterated the various contentions which were urged before the learned Single Judge. Additionally, it has been submitted that the question of mutation and other aspects is one which is to be decided firstly by the L&DO and thus the said appellant being under no obligation to hand over sanctioned maps to the respondents who are yet to be recognized as lawful occupants.

19. It becomes pertinent to note that it is not disputed by the NDMC that the regularization plan had been sanctioned way back in July 1981. In fact, and as would be evident from a reading of the order dated 18 September 2020, the NDMC had stated that those plans had been duly forwarded to the L&DO on 24 June 1981 itself. The learned Judge had also taken on board the statement made by learned counsel appearing for NDMC that the L&DO's response had been that they have been unable to trace those documents and communications in their records. It was the aforesaid facts which constrained the learned Single Judge to modulate the directions and require the NDMC to now proceed on the basis of a copy of the plans that may be submitted by the respondents.

20. The only other additional argument which was urged on these appeals by Mr. Handoo, learned counsel appearing for NDMC, was with respect to lapse and which was a submission based on Section 194



of the **Punjab Municipal Act, 1911**⁴. It becomes pertinent to note that Section 194 of the erstwhile statute read as under: -

“194. Lapse of sanction after one year from the date of such sanction:- Every sanction for the erection or re-erection of any building which shall be given or be deemed to have been given by a committee, 2[or the Executive Officer, as the case may be] shall remain in force for one year only from the date of such sanction, or for such longer period as the committee 3[or the Executive Officer, as the case may be] may have allowed when conveying sanction under section 189. Should the erection or re-erection of the building not have been commenced within one year and completed within two years or such longer period as may have been allowed by the committee 4[or the Executive Officer as the case may be] the sanction shall be deemed to have lapsed; but such lapse shall not bar any subsequent application for fresh sanction under the foregoing provisions of the Act].”

21. We deem it appropriate to observe that a plain reading of that provision would indicate that it would clearly have no application to regularization plans since they would necessarily pertain to constructions already undertaken or completed. Our reasons in support of the above conclusion appear hereinafter.

22. Section 194 of the Punjab Municipal Act deals with lapse of sanction one year post the date when sanction may be accorded. However, the sanction which is spoken of is itself in relation to erection or re-erection of any building. The said provision also speaks of a power to extend the time period for completion if the Executive Officer may deem fit. Section 194 of the Punjab Municipal Act additionally enables an applicant to move afresh in case of failure to comply with the statutory time frame and obtain fresh sanction in cases where the

⁴ Punjab Municipal Act



period for completion may have lapsed. It becomes pertinent to note that the said provision stipulates that the permission would remain in force for one year from the date of sanction or for such longer period as the Committee or the Executive Officer may have allowed while conveying sanction under Section 189 of the Punjab Municipal Act.

23. However, and as noticed hereinabove, the present was not a case where construction or additions were proposed to be made upon the subject land. The plan principally sought condonation of constructions already raised and additions or alterations made contrary to the mandate of Section 189 of the Punjab Municipal Act. The use of the word's "erection", "re-erection" and "completion" in the provision lends credence to our conclusion that the question of lapse would not arise at all in cases of regularization of construction already undertaken and completed.

24. Notwithstanding the above, we deem it apposite to observe that a failure to complete construction within the period prescribed in a sanction order drawn in terms of Section 194 of the Punjab Municipal Act and the issue of lapse would clearly not arise where the applicant has been hindered and restricted by actions of the sanctioning authority or other related statutory entities. Where an applicant is hindered by the statutory authorities from effecting compliances with the stipulated time frames, it cannot be possibly be blamed for a failure to comply with the same. In such a situation, it would be wholly arbitrary and illegal for the NDMC to assert lapse of the sanction granted.



25. We in this regard draw sustenance for our conclusions from the decision rendered by the Allahabad High Court where while dealing with *pari materia* requirements under the Uttar Pradesh Urban Planning and Development Act, 1973, their Lordships in **The Methodist Church in India, Bareilly vs. The Bareilly Development Authority and Anr.**⁵ had observed as under: -

“17. It would be highly unjust, totally unfair and most inequitable to permit the Development Authority to take advantage of its own wrongful act of rendering the order of approval and permission dt. 11-11-1983 nugatory, futile and ineffective by passing the conflicting order dt. 24-1-1984 which had to be recalled on 30-5-1985 on the advice of the Government of Uttar Pradesh.

18. If we reckon the period of three years of validity of the approval and permission after discounting the period of one and a quarter year during which the petitioner was illegally prevented from raising constructions on account of the order dt. 24-1-1987 the approval and the permission would continue to be effectively operative till about 10th March, 1988 and the constructions raised by the petitioner cannot legally be viewed to be unauthorised. The two impugned orders dt. 17-6-1987 and 15th July, 1987, passed under Ss. 28(1) and 27(1) of the Act respectively, which are founded on the misconceived ground of expiry of the period of validity of approval and permission, crumble down.”

The said decision has been affirmed by the Supreme Court in **Bareilly Development Authority vs. Methodist Church of India and Anr**⁶.

26. In the facts of the present case, and as would be evident from the sanction order itself, the respondents were not only called upon to pay certain monies as indicated in the original order dated 16 July 1981 but they were also required to obtain mutation. It is their case that while the

⁵ 1988 SCC OnLine All 16

⁶ 1988 Sup SCC 174



amount was duly deposited, the plan as per the case of the NDMC itself had been forwarded to the L&DO for the purposes of submission of a verification report. However, the steps that were liable to be taken by L&DO were never completed and ultimately, and as was recorded by the learned Judge in the order of 18 September 2020, its stand was that the requisite record was not traceable. It would thus be wholly incorrect and unjust to either accept the argument of lapse or to recognize the respondents as being guilty of delay.

27. Insofar as the L&DO is concerned, it has principally assailed the findings of delay and laches which was attributed to it by the learned Single Judge. Mr. Kamal Kant Jha, learned counsel appearing for the L&DO, argued that as would be evident from the record, the said authority had drawn and conveyed demands for payment of misuse charges, unauthorized constructions, as well as for recall of the re-entry notice as far back as on 14 April 1980 and again on 25 April 1994. Learned counsel further submitted that these aspects have not been considered by the learned Single Judge at all. It was further argued that the learned Single Judge has also clearly overlooked and ignored the fact that the respondents never acted in compliance of those demands nor did they deposit the amounts that were claimed. It was submitted by learned counsel that till such time as the respondents affect compliance and deposit the monies computed in respect of misuse charges, unauthorized construction, breach of lease conditions and recall of the re-entry notice, there exists no justification for grant of the reliefs as ultimately accorded by the learned Single Judge.



28. However, and during the course of consideration of these two appeals, Mr. S. N. Choudhri, learned counsel appearing for the respondents, on instructions stated that they have always been ready and willing to deposit any amount that may be computed by the L&DO so as to condone the breaches allegedly committed as well as for recall of the re-entry notice. It was submitted by Mr. Choudhri that the L&DO was obliged to frame a demand bearing in mind the provisions made in Office Order No. 23/1976. It was thus contended that the respondents would be ready and willing to abide by any determination that may be made by the L&DO subject to the same being in conformity with the stipulations contained in the aforementioned office order.

29. In light of the aforesaid stand as struck, learned counsel appearing for the L&DO submitted that if that be the stand of the respondents today, they would have no objection in undertaking a fresh computation in accordance with Office Order No.23/1976, the respondents being called upon to abide by the demand that may be so created and for all disputes thus being rendered a quietus.

30. Since the respondents have taken the position that they would be open for such a course being charted, we deem it expedient in the interest of justice to dispose of these appeals requiring the L&DO to issue a fresh computation order setting out the amounts that the respondents would be required to deposit in order to condone misuse and breach. The respondents may also be communicated the amounts that they would be liable to pay so as to enable the L&DO to recall the re-entry notice. The aforesaid computation would have to be



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undertaken bearing in mind the provisions made in the Office Order No. 23/1976.

31. Once the said computation exercise is completed and a formal order in that regard conveyed to the respondents, it shall be open to them to make a deposit in compliance of the said demand without prejudice to their rights and contentions. Upon such deposit being made, the L&DO shall take up the issue of mutation and pass orders in accordance with law. The consideration of the mutation application shall not be subject to the submission of the reconstructed building plan duly authenticated by the NDMC.

32. Upon completion of the aforesaid exercise, the respondents may place before the NDMC a copy of the regularization plans as were sanctioned so as to enable that authority to authenticate the same. The said plans may be released thereafter in accordance with the directions as framed by the learned Single Judge.

33. The instant appeals shall thus stand disposed of in accordance with the directions comprised in paragraphs 30 to 32 above. The impugned judgment shall stand modified to the aforesaid extent.

YASHWANT VARMA, J.

RAVINDER DUDEJA, J.

JANUARY 08, 2024/Neha