



\$~99

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

+ **W.P.(C) 4886/2024 & CM APPL. 19937/2024**

PRABHJOT SINGH & ORS.

..... Petitioners

Through: Mr. Simarjeet Singh Saluja, Advocate
along with petitioner no.1 in person
(M:8368860092)

versus

DELHI DEVELOPMENT AUTHORITY

..... Respondent

Through: Mr. Sanjay Katyal, SC-DDA with Mr.
Nihal Singh, Advocate
(M:8920345808)

%

Date of Decision: 04th April, 2024

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

J U D G M E N T

MINI PUSHKARNA, J: (ORAL)

CM APPL. 19937/2024 (For Exemption)

1. Exemption allowed, subject to just exceptions.
2. Application is disposed of.

W.P.(C) 4886/2024

3. The present petition has been filed seeking stay on the payment of remaining 75% bid amount along with interest and penalty till the disposal of *W.P.(C) 1866/2024*, titled as *Neeraj Gupta V. Govt. of NCT of Delhi & Ors.*

4. Learned counsel for petitioner submits that the respondent-Delhi Development Authority ("DDA") had published a tender on 08th October, 2023 calling for bids from eligible bidders for auction of residential



properties. The petitioner had participated in the said auction by paying the prescribed Earnest Money Deposit (“EMD”) amounting to 5% of the reserve price for the residential property bearing Plot ID No. 3719, located at Plot no. 2291, Dr. Mukherjee Nagar, having an area of 133.78 sq. meters. It is submitted that the bid amount submitted by the petitioners for the said property was ₹4,99,31,030/-. The E-Auction was conducted on 08th November, 2023 and the petitioners were declared as the highest bidder. Thus, Letter of Intent (“LOI”) dated 08th January, 2024 was issued by the respondent, wherein the petitioners were directed to pay difference of the amount of 25% of the bid amount within seven days from the issuance of the LOI. Thus, it is submitted that the petitioner paid an amount of ₹1,16,38,800/- as the difference amount of 25% along with interest for delayed payment of the quoted price on 15th January, 2024.

5. Learned counsel for the petitioners submits that subsequently upon visit to the site in question, the petitioner noticed that there are encroachments on the said property and some third party was claiming ownership over the property in question.

6. Thus, by Email dated 29th January, 2024, petitioner no.1 communicated to the respondent-DDA about the said encroachment. Thus, on 30th January, 2024, the officials of the respondent-DDA evicted the encroachers and removed the encroachments therein.

7. Learned counsel for the petitioners submits that a writ petition being *W.P.(C) 1866/2024*, titled as *Neeraj Gupta Vs. Govt. of NCT of Delhi & Ors.*, has been filed by one Neeraj Gupta with respect to the same property, which is subject matter of the present writ petition. He submits that since the present petition is pending, the petitioners have apprehension that in case the



petitioners deposit the amount of 75% of the bid amount, then clear title may not be given by the DDA to the petitioners. Thus, the present writ petition has been filed.

8. Per contra, Mr. Sanjay Katyal, learned Standing Counsel appearing for DDA on advance notice submits that the DDA has a clear title to the aforesaid plot of land. He further submits that upon complaint of the petitioners, the encroachment that was made by the third party in the plot in question was duly removed by the DDA. He further submits that the DDA has already taken preventive measures by erecting a boundary wall around the property, so that future encroachments are prevented. He further submits that the First Information Report (“FIR”) has also been lodged by the DDA against the third party, who sought to make encroachment over the land of the DDA.

9. Considering the aforesaid, this Court is of the view that the concerns as raised by the petitioners with respect to a clear title not being granted by the DDA, stands satisfied.

10. Therefore, it is directed that the petitioners shall deposit the requisite amount in terms of the demand letter issued by the DDA. However, it is clarified that in case the DDA suffers any order in *W.P.(C) 1866/2024*, necessary consequences shall follow including refund of the amount deposited by the petitioners with the DDA, along with interest, in accordance with law.

11. With the aforesaid directions, the present writ petition is disposed of.

MINI PUSHKARNA, J

APRIL 4, 2024/au