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

% ***Date of Decision: 19th December, 2024***

+ **W.P.(C) 8240/2023 & CM APPL. 47669/2023**

MRS REKHA GUPTA

.....Petitioner

Through: Ms. Ekta Choudhary with Ms. Jeba
Khan, Advocates.

versus

DELHI DEVELOPMENT AUTHORITY

.....Respondent

Through: Ms. Meghna, Advocate.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Heard learned counsel for respondent - Delhi Development Authority.
2. This writ petition can be disposed of on the basis of submissions made today and also on the basis of counter affidavit filed by respondent Authority.
3. Admittedly, the petitioner herein had participated in e-auction of plots with respect to "*Rohini Residential Scheme*".
4. The auction was held on 15.03.2013 and the petitioner was declared as the highest bidder.
5. Her bid was of Rs.86,50,000/-.
6. A demand letter was issued to her on 01.07.2013 and 25% of the bid amount was paid by the petitioner within the stipulated period as indicated in such demand.
7. The demand letter for payment of balance 75% of the bid amount



i.e. Rs.64,87,600/- was issued to her on 01.07.2013 and she was required to make such payment by 28.09.2013.

8. Admittedly, the payment has been made by the petitioner herein, *albeit*, with a delay of mere 27 days.

9. The respondent Authority does admit that the residual payment was also made by the petitioner on 25.10.2013.

10. The grievance raised in the present petition is that despite making the entire payment, the petitioner did not receive the possession of the plot in question i.e. Plot No.26, Pocket D-15, Sector 3, Rohini, Delhi till date. She kept on sending multiple communications to the respondent Authority for providing her with the physical possession but these were not responded to.

11. In the year 2002, she learnt that some construction activity was going on at her said plot and she, again, requested the respondent to handover the possession of the above said plot to her.

12. Fact remains that neither the possession was handed over nor any attempt was made by the respondent, as claimed by the petitioner, to stop such construction.

13. Therefore, in the above said factual matrix, the present petition has been filed seeking directions to the respondent to handover the possession of the above said plot to her.

14. This Court has gone through the response of the respondent as divulged in the counter affidavit and, in all fairness, the respondent has submitted that they are ready to regularize the delayed payment of 27 days in terms of clause 8 of the Auction Brochure. They, however, submit that it may not be treated as a precedent and be treated as a



special case as there is mere delay of 27 days and the entire payment had been made by the petitioner way back in year 2013.

15. During course of the arguments, learned counsel for the respondent submitted that she has, by way of abundant caution, taken specific instructions from the respondent and the respondent has no objection in regularizing the allotment on petitioner's depositing interest for the delayed period of 27 days in terms of the aforesaid clause of the *Auction Brochure*.

16. Learned counsel for the petitioner submits that she would deposit such amount within four weeks from today.

17. However, this Court, at the same time, is mindful of the fact that even, as per the case of the petitioner, she noticed some unauthorized construction being carried out in the aforesaid plot.

18. A bare perusal of the contents of the counter affidavit would also indicate that some building has been constructed on the same plot and even according to DDA, such construction is illegal and whosoever is residing or using the above said premises, is an illegal occupant. It has also been specified in the counter affidavit that DDA shall take necessary action to demolish the above said illegal construction.

19. Learned counsel for petitioner submits that at one point of time, petitioner had mortgaged the plot with permission of DDA to raise loan but entire such loan has been paid and there is no encumbrance on plot which can be attributed to her.

20. During course of the arguments, learned counsel for the respondent reiterated that steps would be taken as expeditiously as possible and it will be ensured that after demolition of the above said



illegal construction, the vacant and peaceful possession of the plot is handed over to the petitioner, preferably, within a period of eight months from today.

21. Learned counsel for the petitioner has no objection to the above.

22. In view of above, the petitioner is directed to deposit interest amount for the delayed payment for the above said period of 27 days within four weeks from today and, thereafter, the respondent shall handover the peaceful and vacant possession of said plot within eight months from today.

23. It is expected that respondent Authority takes all possible steps to remove the illegal construction and then to handover the vacant possession to the petitioner within eight months from today.

24. It is, however, also directed that in case the Authority is not in a position to handover the vacant and peaceful possession of the above said plot within the above said period of eight months, the Authority shall offer petitioner an alternative plot of the same size and situated in the same area.

25. The petition stands disposed of in the aforesaid terms.

(MANOJ JAIN)
JUDGE

DECEMBER 19, 2024
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