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

% ***Date of Decision: 24th December, 2024***

+ **CONT.CAS(C) 1300/2024**

SHAYAN LAHIRI

.....Petitioner

Through: **Mr. Kustubh Singh, Advocate.**
(through V.C.)

versus

**MR PRAMOD KUMAR JAIN PRESIDENT, RAJAT JAIN
COOPERATIVE GROUP HOUSING SOCIETY & ANR.**

.....Respondents

Through: **Mr. Ravindra Kanth, Advocate.**

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

CM APPL. 76427/2024 (exemption)

Exemption allowed subject to all just exceptions.

CONT.CAS(C) 1300/2024 & CM APPL. 76426/2024 (early hearing)

1. Respondent No.1 i.e. President of the Cooperative Group Housing Society in question has moved the present application seeking early hearing.
2. It is submitted that the “*Balcony Extension Project*” is underway as per DDA guidelines. It is a time-bound process and the Management Committee has already on boarded the Contractor for construction. It is submitted that when the matter was taken up by this



Court on 21.08.2024, the respondents were directed to maintain *status-quo*. It is submitted that the above said order of *status-quo* is coming in the way of the respondent Society to raise construction to extend the balconies of the other residents.

3. Learned counsel for the petitioner has joined the proceedings through video conferencing and submits that each block has ten stories and the petitioner is resident of first floor and while extending the balcony of the other residents situated at upper floors, there might be some damage caused to the balcony of the petitioner and as per the order passed by learned Division Bench on 08.05.2024, the respondents have to ensure that such damage is to be repaired immediately.

4. During course of the arguments, learned counsel for the respondent Society submitted that he has requisite instructions in this regard to ensure repair/restoration and moreover, the above said order dated 08.05.2024 is also very clear and in case there is any damage to the balcony of the petitioner, the respondent Society is required to ensure that such damage is repaired and the balcony is restored to its original position as it existed when the construction in the above said block had started. He also states that before doing any construction in the above said block, the photographs shall be taken and would be shared with the petitioner as well to repel any apprehension in the mind of petitioner.

5. Learned counsel for the petitioner submits that in view of the above statement and assurance given by the respondent Society, he does not press the present contempt petition.

6. In view of the above, while vacating the above said *status-quo*



order, in view of the statement made by learned counsel for the petitioner today, the present petition is disposed of as not pressed.

7. Needless to say, the respondent Society shall remain bound by the above said assurance/statement.

8. The next date of 16.05.2025 is cancelled.

(MANOJ JAIN)
JUDGE

DECEMBER 24, 2024/st