



2024 : DHC : 4254



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**+ **CONT.CAS(C) 314/2018 & CM APPL. 23675/2024****MAHA RASHTRA APEX CROP & LTD**

..... Petitioner

Through: Ms. Gurkamal Hora Arora with Mr.
Jaisal Baath, Advocates.

(M): 9810124535

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versus

PUREARTH INFRASTRUCTURE LTD & ORS RespondentsThrough: Dr. Amit George with Mr. Aman
Gupta, Mr. A. Pandey and Mr. A.
Suri, Advocates for respondent no.1.

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Date of Decision: 21st May, 2024**CORAM:****HON'BLE MS. JUSTICE MINI PUSHKARNA****J U D G M E N T****MINI PUSHKARNA, J: (ORAL)**

1. The present petition has been filed alleging willful disobedience of the orders dated 27th March, 2009 and 07th May, 2012 in *ARB. P. No. 385/2007* and *OMP No. 471/2006*, vide which the respondent was to handover the possession of the subject property i.e. property being *P2-3027 in Plaza 2 of Central Square Complex, situated at Manohar Lal Khurana Marg, near Rohtak Road, Delhi-110006*.

2. During the pendency of the present petition, vide order dated 19th October, 2023, directions had been issued to the respondents to handover the vacant and peaceful possession of the aforesaid property to the petitioner.



Further, the petitioner had also been directed to deposit a sum of ₹ 21,96,770/- with the Registrar General of this Court, which had been directed to be kept in a fixed deposit. Order dated 19th October, 2023, reads as under:-

“1. Without prejudice to the rights and contentions of the parties, it is agreed that the petitioner shall deposit a sum of Rs. 21,96,770/- within a period of four weeks from today with the Registrar General of this Court which shall be kept in an FD.

2. In the meanwhile, the respondents shall handover vacant and peaceful possession of property being P2-3027, Central Square, Manohar Lal Khurana Marg, near Rohtak Road, Delhi -110006 within a period of two days from today.

3. The respondents shall file an affidavit indicating that the charges as shown in the calculation handed over today has been charged to all other similarly situated allottees.

4. List on 15.03.2024.”

3. Pursuant to the aforesaid order dated 19th October, 2023, an affidavit of compliance has been filed on behalf of respondent no. 1, relevant paragraphs of which, read as under:-

“xxx xxx xxx

*4. In compliance of the said order, the Respondent offered the possession of the Petitioner vide letter dated 20.11.2023. In the said letter, the Respondent mentioned the Stamp Duty charges, Registration Charges, CAM Charges and other expenses which are apart from outstanding dues of Rs. 21,96,770/- but the Petitioner did not pay any heed and come over to register their unit by way of sale deed. Due to non-registration of the unit by the Petitioner, the Respondent no.1 shall bear the cost of maintenance, taxes, interest and damages if any which shall be payable by Petitioner. A copy of the letter dated 20.11.2023 is annexed hereto and marked as **ANNEXURE R-2**. Accordingly, on 23.11.2023, the Petitioner has taken the possession of the unit. The acknowledgment of the physical possession of the said unit by the petitioner is annexed hereto and marked as **ANNEXURE R-3**.*

5. To briefly outline the circumstances requiring the filing of the present Affidavit, it is stated that the Petitioner filed the present Contempt Petition alleging contempt of Orders dated 27.03.2009 and 07.05.2012



whereby the Respondents had undertaken to give possession of the earmarked Unit of P2-3027 admeasuring 1600 Sq. Ft. and only levy the additional charges that have been charged from all other unit buyers.

6. The Respondent in its Reply dated 22.01.2019 disclosed that the offer of possession of Unit was made vide offer of possession on 02.02.2017 itself, soon after getting the Completion Certificate from the Authorities.

7. On the Petitioner raising some objections to the offer of possession made by Respondent no. 1 on 02.02.2017, the Respondent no. 1 made fresh offer of possession with demand of outstanding amount vide letters dated 13.07.2023 & 15.09.2023. Copy of the said Letters dated 13.07.2023 & 15.09.2023 are annexed hereto and marked as **ANNEXURE R-4 (Colly)**.

8. On 19.10.2023, this Hon'ble Court, allowed Respondent to take possession of the said Unit, subject to deposit of the demanded outstanding sum of Rs. 21,96,770/-, subject to the Respondent filing an affidavit to affirm that the Charges claimed from Respondent as outstanding payment is also charged from other similarly situated customers.

9. It is pertinent to submit that Respondent no. 1 has not charged for Air Conditioner charges and power back charges @750/- which comes to Rs. 12 lacs. The said charges have been charged from other similarly situated customers of Plaza 2 in Central Square Complex.

10. That the present Affidavit is filed to confirm that the charges claimed from the Petitioner vide letter dated 13.07.2023 comprises of the following heads viz.:

- i. Flyover Charges
- ii. NDPL
- iii. Road and STP
- iv. Interest free Security Deposit
- v. Taxes
- vi. Property Tax upto March 2024
- vii. Conversion Charges
- viii. Administrative Charges

11. That, it is solemnly affirmed that the said heads of Charges have been demanded by the Respondent no. 1 from all similarly situated customers in Central Square Complex situated at Manohar Lal Khurana Marg, near Rohtak Road, Delhi-110006.

12. That a sample demand letter dated 20.02.2023, which is prior to the demand letter raised to the Petitioner wherein all the said heads of



Charges have been claimed from one of the other customers is attached as a sample demand letter. The Sample Demand Letter dated 20.02.2023 raised to another customer is annexed hereto as marked as ANNEXURE R-5.

13. Therefore, in light of the above, the Respondent again reaffirms that the Charges demanded from the Petitioner totalling to a sum of Rs. 21,96,770/- comprises of heads of Charges which had uniformly being demanded from all the customers of the Respondent No. 1 which are similarly situated as the Petitioner and have made their booking in Central Square Complex developed by Respondent No. 1."

4. Perusal of the aforesaid order shows that the outstanding dues, as calculated by the respondents were ₹ 21,96,770/-, which the petitioner has already deposited before this Court.

5. An application being CM APPL. 23675/2024 has been filed on behalf of the respondents with the following prayers:-

"a. Direct the Ld. Registrar General of this Hon'ble Court to release the FDR deposited pursuant to Order dated 19.10.2023 for a sum of Rs. 21,96,770/- along with the interest accrued thereupon in favour of Applicant/Respondent no. 1;

b. Pass a direction to the Petitioner to get the Sale deed for Unit No. P2-3027 in Plaza 2 of Central Square Complex situated at Manohar Lal Khurana Marg, near Rohtak Road, Delhi-11 0006 forthwith within a period of one week;

c. Compensate the Applicant for a sum of Rs. 8,02,060/- towards the liability of Statutory Charges, taxes and including the Maintenance Charges dues from 01.11.2023 till 30.06.2024.

xxx xxx xxx"

6. Ms. Gurkamal Hora Arora, learned counsel appearing for the petitioner confirms the fact that possession of the aforesaid property in question has been handed over to the petitioner. She further submits that the petitioner shall deposit a sum of ₹ 8,02,060/- towards liability of statutory charges from 01st November, 2023 till 30th June, 2024, as demanded by the respondents, within a period of two weeks. She further submits that she has



no objection if the amount of ₹ 21,96,770/-, which is deposited in the present Court, is released to the respondent no. 1.

7. Accordingly, it is directed as follows:

(i) The amount of ₹ 21,96,770/-, along with interest accrued thereupon, which is lying deposited in this Court pursuant to order dated 19th October, 2023, shall be released to the respondent no. 1 herein forthwith.

(ii) The respondent no. 1 is directed to approach the Registry of this Court with appropriate application in this regard, upon which the aforesaid amount along with interest, shall be released to respondent no. 1.

(iii) The petitioner shall deposit a sum of ₹ 8,02,060/- with the respondent no. 1, within a period of two weeks from today.

(iv) Upon deposit of the aforesaid amount by the petitioner with the respondent no. 1, within two weeks thereafter, the respondent no. 1 shall take steps for registration of sale deed in favour of the petitioner. Further, the respondent no. 1 shall also issue a No Dues Certificate ("NOC") to the petitioner towards the statutory dues, including maintenance charges, from 01st November, 2023 till 30th June, 2024.

8. With the aforesaid directions, the present petition is disposed of.

9. The next date of hearing of 02nd July, 2024 stands cancelled.

MINI PUSHKARNA, J

MAY 21, 2024

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