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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CONT.APP.(C) 8/2025 & CM APPL. 25074/2025**

DELHI DEVELOPMENT AUTHORITY

.....Appellant

Through: Mr. Kailash Vasdev, Sr. Adv. with Mr
Rajiv Shukla, Mr. Sanjay Kumar, Ms
Neoma Vasudev & Mr Umrao Singh
Rawat, Advs. (M: 9650410577)

versus

CIVIC ENGINEERS (INDIA)

.....Respondent

Through: Mr. Pawan Mathur, Advocate. (M:
9810129577)

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE RAJNEESH KUMAR GUPTA

ORDER

% **30.04.2025**

1. This hearing has been done through hybrid mode.
2. This is an appeal under Section 19 of the Contempt of Courts Act, 1971 challenging the impugned judgment dated 24th March, 2025 passed by the Id. Single Judge in **CONT.CAS(C) 983/2022** (hereinafter "*impugned judgement*"). The Id. Single Judge has *vide* the impugned judgement held the Delhi Development Authority (hereinafter "*DDA*") in contempt and has directed the presence of officials of the DDA on 21st April, 2025 to show cause *qua* the contempt.
3. The contempt has been alleged of the order dated 31st May, 2022, by which the Court had directed the DDA to consider the application of the Respondent for conversion of the flat in property bearing No. B-9, Saket, New Delhi (hereinafter "*the subject property*") from lease hold to freehold. The



said order reads as under:

“1. CM APPL. 19262/2022 has been filed by the Petitioner seeking direction to the Respondent to consider the application of the Petitioner for conversion of first floor of the flat of the Petitioner, bearing No.B-9, Saket, New Delhi, from leasehold to freehold on the basis of a circular dated 05.05.2015. It is stated in the application that the only hindrance in rejecting the application for conversion of the property from leasehold to freehold is that there are two flats constructed in one floor which amounts to sub division and on account of which the conversion was not permitted.

2. This Court on 22.04.2022, after extracting the circular dated 05.05.2015 had directed the learned Counsel appearing for the DDA to get instructions as to whether the conversion can be allowed in view of the circular dated 05.05.2015.

3. Learned counsel for the DDA states that according to the circular dated 05.05.2015, the case of the Petitioner will be considered and the property will be converted from lease hold to free hold, subject to the fact that all other formalities/compliances are done by the Petitioner.

*4. Learned counsel for the Petitioner states that all the compliances have already been done. **Let the property be converted from lease deed to free hold within a period of three months from today, subject to the Petitioner complying with all the necessary formalities** and the DDA is requested to keep in mind the circumstances and consider the case of the Petitioner as expeditiously as possible.*

5. The petition is disposed of, along with pending application(s), if any.”



4. As can be seen from the above order, directions were given to convert the property from leasehold to freehold and the only condition that was put was that all the formalities and compliances ought to have been completed by the Respondent.

5. Thereafter, however, it appears that the DDA expressed its inability to convert the subject property on various grounds including - Firstly, on the ground of sub-division of the subject property and secondly, that other owners of the various flats in the subject property had not come forward. The same are discussed in the impugned judgment.

6. In the operative portion of the impugned judgment, the Court has come to the conclusion that the concerned official of the DDA is guilty of wilful and deliberate disobedience of the directions of the Court. The relevant portion of the said judgment is set out below:

“27. In view of the foregoing discussion, this Court has no hesitation in holding that the concerned official of the DDA is guilty of wilful and deliberate disobedience of the directions of this Court. The official in question has employed unconscionable and deliberate measures to deprive the petitioner of the benefit of this Court’s directions dated 31.05.2022.”

7. Today, Mr. Kailash Vasdev, Id. Senior Counsel appearing for the Appellant/DDA has been heard. Mr. Pawan Mathur, Id. Counsel for the Respondent has also made his submissions. The Court has also perused the photographs of the subject property.

8. The case of the Respondent is that the property is of 800 sq. yards. Since inception, each floor of the subject property was divided into two flats. The Respondent is the owner of only one flat on the first floor. The sub-



division was, therefore, well within the knowledge of the DDA. Secondly, it is submitted that insofar as the other owners are concerned, the fact that they are not coming forward should not prejudice the Respondent. In response, Mr. Vasdev submits that the DDA's hesitation was in giving free hold to only one portion of the building.

9. The order dated 31st May, 2022 is clear that the Respondent shall be permitted to convert the flat from leasehold to freehold, subject to all formalities. There is no allegation that the property has been built in violation of the sanctioned building plans.

10. There are two flats constructed on each floor. Under these circumstances, the conversion shall be permitted of the flat of the Respondent on the first floor of the subject property. Let the conversion be carried out within six weeks.

11. It is made clear that this Court has not examined the title of the Respondent in these proceedings. It is also observed that this order would not come in the way of any other proceedings, which may be taken up by any investigating agency or the Court in respect of the subject property being No.B-9, Saket, New Delhi, where there may be a challenge of the ownership of the original owner on this plot.

12. The present appeal, along with all pending applications, is disposed of in the above terms.

13. The Court has also been informed that pursuant to the order dated 18th March, 2024 passed in ***W.P.(C) 2802/2020*** titled ***Govind Saran Sharma v. Delhi Development Authority and Anr.***, certain investigations are pending in respect of the present property.

14. Accordingly, copy of this order be communicated by the Registry to



the concerned Sub-Registrar under whose jurisdiction the present property would fall, so that in case of registration of any document or transfer in respect of the subject property, the said Sub-Registrar is informed of the investigation being conducted by the CBI *qua* the subject property.

15. Copy of today's order be also placed before the Id. Single Judge.

16. Copy of the order be also communicated to Mr. Sameer Vashisht – Standing Counsel GNCTD for communication to the concerned Sub-Registrar under whose jurisdiction the property in question B-9, Saket, New Delhi, would fall.

PRATHIBA M. SINGH, J.

RAJNEESH KUMAR GUPTA, J.

APRIL 30, 2025/dk/msh