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

+ **W.P.(C) 6921/2024 & CM APPL. 28779/2024**

SHIVANK GUPTA

.....Petitioner

Through: Mr. Manish Kaushik, Mr. Mishal Johari, Mr. Vikas Ashwini & Ms. Yashpriya Sahram, Advs.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Ms. Saumya Tandon, CGSC with Mr. Gaurav Singh Sengar, Adv. for R-1/UOI.

Mr. Siddharth Panda, Mr. Ritank Kumar & Mr. Anil Pandey, Advs. for R-3.

Mr. Rajat Joneja & Mr. Deeptanshu Jain, Advs. for R-4.

Mr. Manashwy Jha, Adv. for Ms. Vaishali Gupta, Adv.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

13.11.2025

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1. This hearing has been done through hybrid mode.
2. The present petition filed under Article 226 of the Constitution of India on behalf of petitioner seeking the following prayers: -

“(i) Direct the Respondent No. 3 to expeditiously initiate recovery proceedings against the Respondent No. 4 to recover the amounts due in favour of the Petitioner in terms of the Recovery Certificate dated 31.01.2024 issued by Respondent No. 2 in Execution Petition No. F.3(E- 08)/Execution/RERA/2023 pending adjudication before Respondent No. 2, Delhi RERA;

(ii) Direct the Respondent No. 2 and 3 to attach units/flats constructed by Respondent No. 4 in Phase-2 and 3 of the project, “La



Tropicana, Civil Lines” as sanctioned by Delhi RERA vide order dated 07.03.2022 in File No. F1/114/PR/2021 and vide order dated 07.03.2022 in File No. F1/119/PR/2021 and take appropriate action as per the RERA Act, 2016 to recover the amount due to the Petitioner in terms of the Recovery Certificate dated 31.01.2024 issued by Respondent No. 2 in Execution Petition No. F.3(E-08)/Execution/RERA/2023 pending adjudication before Respondent No. 2, Delhi RERA;

(iii) Pass any other order (s) or relief(s), which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case may kindly be passed accordingly.”

3. During the pendency of the present proceedings, respondent no. 4 had been making payments to the petitioner before the learned SDM, where the execution proceedings are pending.

4. *Vide* order dated 09.10.2025, the following directions were passed by this Court:-

“1. This hearing has been done through hybrid mode.

2. Pursuant to the order dated 27.08.2025, Suryamani Pandey, Director of Parsvnath Landmark Developers Private Limited/Respondent No.4, has filed an affidavit dated 07.10.2025 placing on record proposals submitted with the learned SDM with respect to the payment plan in pursuance of the recovery certificate dated 31.01.2024 for an amount of Rs.6,86,44,171/-. As per the said affidavit, the payment plan is outlined as under: -

“6. I say that the proposed payment plan, as outlined in the letter dated 18.07.2025 submitted to the Ld. SDM, is as follows:

a) An initial payment of Rs. 50,00,000/- (Rupees Fifty Lakh Only) was proposed and tendered to Mr. Shivank Gupta, concurrently with the filing of the letter dated 18.07.2025.

b) The remaining outstanding balance, then standing at Rs. 6,36,44, 171/(Rupees Six Crores Thirty-Six Lakhs Forty-Four Thousand One Hundred Seventy-One Only) was undertaken to be paid in a structured manner comprising 8 (eight) instalments:



- i. Four initial instalments of Rs. 50,00,000/- (Rupees Fifty Lakh Only) each, to be paid monthly from July 2025 till October 2025.
- ii. Four subsequent instalments of Rs. 1,00,00,000/- (Rupees One Crore Only) each, to be paid monthly from November 2025 till February 2026.
- iii. The entire balance amount, inclusive of all accrued interest in terms of the order dated 27.10.2022 passed by Ld. RERA, Delhi, by March 2026.”

3. It is further submitted that in pursuance to the aforesaid proposal submitted to the learned SDM the respondent no.4 has also made a payment of Rs.1,50,00,000/- and therefore, the remaining outstanding amount, as per the aforesaid recovery certificate is now Rs.5,36,44,171/-

4. The affidavit further records that respondent No.4 undertakes before this Court to strictly adhere with the aforesaid payment plan for the satisfaction of aforesaid recovery certificate.

5. Learned counsel for the petitioner submits that as per their calculation the amount pending now is Rs.5,97,24,669/-. It is pointed out that the calculation made by respondent no.4 is on the basis of the recovery certificate which was issued on 31.01.2024, and therefore, it does not include the interest accrued on the payment due.

6. Without prejudice to the difference in the aforesaid amount, petitioner has no objection if the aforesaid undertaking is accepted by this Court and respondent no.4 is directed to make the payment in the manner as stated hereinabove.

7. In these circumstances, the affidavit of undertaking is taken on record. Respondent no.4 is directed to ensure payment of the admitted amount in terms of the aforesaid payment structure. The petitioner will be at liberty to initiate appropriate proceedings before the concerned Recovery Officer with respect to interest as claimed by him which shall be disposed of by concerned authority in accordance with law.

8. List for compliance, with respect to payment in terms of para 6(i) of affidavit dated 07.10.2025, on 13.11.2025.”



5. It is pointed out that in compliance with the aforesaid undertaking, payment in respect of para 6 (i) of the affidavit dated 07.10.2025 has been cleared. With respect to the payment in terms of paras 6 (ii) & 6 (iii). Counsel for respondent no. 4 submits that the same shall be made in accordance with the undertaking given by way of affidavit dated 07.10.2025 before this Court.

6. In view of the aforesaid, the present petition is disposed of with directions that the respondent no. 4 shall strictly adhere to the affidavit given as recorded in the aforesaid order.

7. The petitioner will be at liberty to initiate appropriate proceedings before the concerned recovery Officer, with respect to the interest as claimed by him, and the same shall be disposed of by the concerned authority in accordance with law.

8. Needless to say that with respect to the aforesaid interest, the contentions of the parties are left open.

9. Pending application(s), if any, also stands disposed of.

AMIT SHARMA, J

NOVEMBER 13, 2025/ng/db