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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 2960/2026 & CM APPL. 14310/2026**
AMIT KUMAR & ANR.

.....Petitioners

Through: Adv Dhurjati Verma and Adv Yash
Shukla

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Ms. Neha Rastogi (SPC) for R1
Mr. R.K. Dhawan SC with Adv. Nisha Dhawan,
Adv V. K. Teng and Adv. Pawan Karan Deo for
R2

Ms. Vrinda Kapoor, Ms. Saumya Soni, Mr. Vishal
Vaid and Ms. Muskan Narang Advocates

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

12.03.2026

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1. This is a writ petition filed under Article 226 of the Constitution of India seeking the following prayers:-

“A. Issue an appropriate writ, order or direction in the nature of Mandamus directing Respondent No. 2, to conduct an independent structural, geotechnical and safety audit of the project through a reputed third-party expert body such as IIT/any other Government technical institution.

B. Direct Respondent No. 2, to defer the payment schedule and not to levy interest, penalty or take any coercive steps including forfeiture of earnest money till the final



independent structural safety certification is issued.

C. Direct Respondent No. 2, to carry out all necessary structural repairs and safety compliance measures in the project and provide written assurance regarding habitability and structural fitness.

D. Direct the respondent no. 3, to produce Photographs, communications letters and any other information related to the project after the blast vide dated 05.10.2025.

E. Pass an interim order staying the operation of the circular dated 23.01.2026 to the extent of coercive payment/forfeiture clause against the Petitioners...”

2. The petition is predicated on the fact that the petitioners are successful bidders in an e-auction dated 06.10.2025 conducted for the allotment of flats at Triveni Heights Apartment, Sector - 16, Dwarka, Delhi (**“Project”**).
3. The case of the petitioners is that after participating in the e-auction and making the initial deposit, the petitioners were allotted flats bearing No. 187 and 324. Thereafter, the petitioners got to know through social media and news that there was a major blast in the basement of the project resulting in water accumulation in parking, shattering of concrete, damage to pillars, upliftment of flooring by several inches and destruction of vehicles.
4. As far as the petitioners are concerned, at the time of participation, the petitioners were unaware of the blast and this information has created serious doubts about the structural stability and the safety of the project.



5. Hence, the petitioners filed the present petition challenging the circular dated 23.01.2026, wherein, the respondent No. 2/DDA has stated that a joint inspection has been conducted and the structure is safe. However, the petitioners apprehension concerning the structural stability and safety still continues as according to the petitioners, no satisfactory explanation has been given for the blast and the steps taken to assess and ensure the structural stability of the project.
6. Mr. Dhawan, learned standing counsel for the respondent No. 2/DDA, who appears on advance notice, states that there is no doubt regarding the structural stability and safety of the project and that the respondent No. 2/DDA has undertaken a comprehensive study to conclude that the structure is safe.
7. In the present case, I am of the view that when the petitioners participated in the e-auction, the petitioners were unaware of the fact that a blast had occurred in the basement of the project.
8. The apprehensions of the petitioners cannot be said to be unreasonable as the petitioners are required to pay sums of about Rs. 2.1 crores and Rs. 2.3 crores respectively for the allotted flats bearing No. 187 and 324. I am of the view, when a person is spending that kind of substantial money, he has to be mentally assured of the safety of the project.
9. However, after some arguments, Mr. Verma, learned counsel for the petitioners, states that the petitioners will be satisfied if the amount of earnest money deposited by the petitioners is duly returned to the petitioners.
10. Mr. Dhawan, learned standing counsel for the respondent No. 2/DDA,



objects to the aforesaid proposal and states that the deposited amount must be forfeited.

11. I am unable to appreciate the objection raised by the learned counsel for the respondent No. 2/DDA. This prayer for return of the earnest money by the learned counsel for the petitioner is fair, reasonable and deserves to be allowed.
12. The respondent No. 2/DDA, while building a structure of this size and magnitude, is required to take all prior precautions including the possibility of rising water levels and consequently causing gas accumulation. The respondent No. 2/DDA cannot be permitted to state that the said incident was due to unprecedented rain. The blast in the basement of the apartments has occurred due to reasons which obviously have a deterrent effect on the petitioners. In this scenario, the petitioners request for withdrawal of their bid cannot be faulted.
13. For the said reasons, it is directed that the respondent No. 2/DDA shall return the amount deposited by the petitioners without any interest within 2 weeks from today.
14. After return of the amount, the respondent No. 2/DDA shall be entitled to re-auction the flat without any fetters or prior claims of the petitioners.
15. The petition is disposed of in the aforesaid terms, along with pending applications, if any.
16. *Dasti.*

JASMEET SINGH, J

MARCH 12, 2026 / (MS)