



2026:DHC:2479-DB



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

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Date of Decision : 24.03.2026+ **LPA 151/2026****SUFYAN RAJIV RATAN AWAS RESIDENT WELFARE
ASSOCIATION**

.....Appellant

Through: Mr. Anubhav Dubey & Mr. Saket
Gogia, Advocates.

versus

**THE DELHI URBAN SHELTER IMPROVEMENT BOARD
(DUSIB)AND ANR**

.....Respondents

Through: Mr. Anuj Chaturvedi, Ms. Richa
Dhawan & Ms. Yashita Jain,
Advocates for R-1/DUSIB.
Mr. Raghvindra Upadhyay, Panel
Counsel with Ms. Purnima Jain & Mr.
Madhur, Advocates for R-2/GNCTD.**CORAM:****HON'BLE THE CHIEF JUSTICE****HON'BLE MR. JUSTICE TEJAS KARIA****JUDGMENT****DEVENDRA KUMAR UPADHYAYA, CJ. (ORAL)****CM APPL. 18266/2026**

1. Allowed, subject to just exceptions.
2. The Application stands disposed of.



LPA 151/2026

3. Heard the learned Counsel for the Parties.
4. By instituting the proceedings of this *intra court* Appeal, the Appellant, which claims itself to be a Resident Welfare Society, assails the Order dated 09.02.2026 (“**Impugned Order**”) passed by the learned Single Judge in W.P.(C) No.14986/2022 (“**Writ Petition**”), whereby the Writ Petition has been disposed of with certain observations.
5. The Writ Petition was filed by the Appellant-Society primarily with two prayers, namely,
 - i. An appropriate direction be issued to the Respondents to transfer the maintenance and upkeep functions of the Appellant-Society as also the operation of corpus fund namely “*DUSIB Estate Management Fund*” to the Appellant; and
 - ii. A direction be issued to the Respondents directing to hand over the audited accounts of entire income-expenditure of the maintenance of the Society.
6. The learned Single Judge, while passing the Impugned Order, noticed certain extracts from the counter affidavit filed in the proceedings of the Writ Petition by Respondent No.1. It has been noticed in the Impugned Order that as per the averments made in the counter affidavit filed by Respondent No.1, the total income received from the flat owners was ₹2,55,00,000/- in a period of five years, however, the expenditure incurred was ₹3,60,00,000/-. The learned Single Judge has also noticed that as per the averments of Respondent No.1, the expenditure incurred on civil work was to the tune of ₹1,80,00,000/-, whereas the expenditure incurred on



electrical/horticulture work was also to the extent of ₹1,80,00,000/-. The total expenditure as averred by Respondent No.1, which has been noticed in the Impugned Order, is, thus, ₹3,60,00,000/- as against the receipt of the sum of only ₹2,55,00,000/-.

7. Noticing the aforesaid, the learned Single Judge has observed that according to Respondent No.1, it has spent more amount than the amount which was collected from the flat owners. It has further been observed by the learned Single Judge that if the Appellant has any grievance with respect to the calculation placed on record by the Respondent, the remedy would lie elsewhere. The learned Single Judge has further proceeded to state in the Impugned Order that calculation exercise cannot be conducted in a writ jurisdiction and, accordingly, the Writ Petition has been disposed of granting the aforesaid liberty.

8. The learned Counsel for the Appellant has drawn our attention to certain replies given by Respondent No.1 under the '*Right to Information Act, 2005*'. The said reply was given *vide* letter dated 11.06.2021. The said letter contains a list of works done by Respondent No.1, which is appended to the said letter.

9. It has been contended by the learned Counsel for the Appellant that the list of works done by Respondent No.1 does not contain any work related to horticulture, whereas in the counter affidavit filed before the learned Single Judge, Respondent No.1 had stated that ₹1,80,00,000/- have been spent on electrical/horticulture work. Thus, the figure relating to the money spent by Respondent No.1 is being disputed by the learned Counsel for the Appellant.



10. We are of the opinion that such disputed questions of fact cannot be gone into by a Writ Court in exercise of its powers under Article 226 of the Constitution of India, 1950 and, therefore, the learned Single Judge has rightly observed that if there is any discrepancy according to the Appellant in the amount spent or even in the amount received, the remedy lies elsewhere.

11. The learned Counsel for the Appellant has also drawn our attention to a Notification dated 11.12.2017 (“**Notification**”) issued by the Department of Urban Development, Government of NCT of Delhi which embodies the Delhi Slum and Jhuggi Jhopri Rehabilitation and Relocation Policy, 2015. Referring to Clause 5 (viii) & (ix), it has been stated by the learned Counsel for the Appellant that as per the said prescription, after five years, the maintenance is to be transferred to the Residents Welfare Association and, therefore, since the Appellant-Society is registered as a Society and is competent to assume the functions of maintenance of the flats, in terms of the said provisions, maintenance ought to be handed over to the Appellant.

12. As per Clause 5 (ix) of the Notification, the Delhi Urban Shelter Improvement Board may also give grant-in-aid to the Residents Welfare Association/Registered Societies depending upon the requirement of the works to be done.

13. In the aforesaid facts and circumstances, we dispose of this Appeal, without interfering in the Impugned Order passed by the learned Single Judge, which is under challenge herein, with the liberty to the Appellant to approach the appropriate authority of DUSIB by way of making a representation with a prayer to transfer the maintenance to the Appellant-



Society. The representation to be made under this order may contain the objections relating to the money said to have been spent by DUSIB for horticulture work as disclosed by Respondent No.1 in the counter affidavit filed before the learned Single Judge. The representation may also contain a prayer for release of grant-in-aid in accordance with the extant policy of DUSIB in light of Clause 5 (ix) of the Policy, as aforesaid.

14. If any such representation is made, the same shall be considered and decided by the competent authority of DUSIB within a period of eight weeks from the date any such representation is received. The representation shall be decided strictly in accordance with law and the decision taken thereof shall also be communicated to the Appellant-Society.

15. We further direct that in case the Appellant-Society is eligible for receiving any grant-in-aid amount in terms of Clause 5 (ix) of the Policy as aforesaid, the same shall also be released to the Appellant-Society.

16. The Appeal stands disposed of in the aforesaid terms.

DEVENDRA KUMAR UPADHYAYA, CJ

TEJAS KARIA, J

MARCH 24, 2026

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