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

+ LPA 236/2026 & CM APPLs. 22524-26/2026

**SURYA MAINTENANCE AGENCY PVT. LTD.
& ORS.**

.....Appellants

Through: Mr. Ravinder Sethi, Sr. Adv. with Mr.
Badal Dayal, Mr. Puneet Sharma,
Advs.

versus

**NDM NSP OCCUPANTS WELFARE ASSOCIATION
& ORS.**

.....Respondents

Through: Mr. Kirtiman Singh, Sr. Adv. with
Mr. Vikhyat Oberoi, Ms. Nishita
Gupta, Mr. Ravi Sharma, Mr. Shivam
Prakash, Ms. Juhi Bhargava and Ms.
Akshata, Advs. for R-1.
Ms. Shobhana Takiar, SC, DDA with
Mr. Kuljeet Singh, Adv.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TEJAS KARIA

ORDER

21.05.2026

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1. Heard learned counsel for the parties.
2. This intra-Court appeal seeks to take exception to an order dated 14.01.2026 passed by the learned Single Judge in CONT.CAS(C) 650/2025 whereby the Delhi Development Authority (“**DDA**”) has been directed to decide the representation moved by the respondent No.1 (petitioner in the contempt petition), dated 01.03.2025 and take effective steps to ensure that administration of the concerned building is handed over to the apartment owners as contemplated under the Delhi Apartment Ownership Act, 1986.



3. The learned Single Judge, in the impugned order has further observed that the DDA will be at liberty to issue appropriate directions in terms of the provisions contained in the said Act and/ or any other relevant law.

4. Ordinarily, no interference in an intra-Court appeal is permissible against an interlocutory order which does not decide any issue finally between the parties, however, considering the fact that certain directions have been issued by the learned contempt Judge which, *prima facie*, appear to be impermissible given the scope of the contempt proceedings, we find it appropriate to pass the order which follows:

5. One of the assertion made by the appellant in the instant appeal is that on 14.01.2026 when the matter was listed before the learned Single Judge for the purpose of filing a status report and counter affidavit by the parties, it was only submitted before the learned Single Judge that the contempt petitioner lacked the *locus standi* to seek the reliefs claimed in the contempt proceeding for certain reasons and upon hearing learned counsel for the parties, the learned Single Judge has directed the DDA to decide the representation and file a status report, however, it was later discovered by the appellant subsequently upon uploading of the order dated 14.01.2026 that certain additional directions had also been issued. The submission, thus, is that the appellants were not heard by the learned Single Judge before issuing direction to the DDA for taking effective steps to ensure that the administration of the concerned building is handed over to the apartment owners as contemplated under the aforesaid Act.

6. Learned senior counsel for the appellant has tendered an order dated 15.05.2026 passed by the learned District Judge-02/(N-W), Rohini Courts, Delhi in 46 CS DJ 253/26 which has been instituted by NDM Owners and



Occupants Welfare Association and by the said order dated 15.05.2026, the respondent No.1 – NDM NSP Occupants Welfare Association has been enjoined from interfering in the maintenance activities or connected issues in the capacity of association (RWA) of the building in question till final disposal of the suit. The said order dated 15.05.2026 is taken on record.

7. Having regard to the grounds taken by the appellant that he was not heard by the learned Single Judge before passing the order directing DDA to ensure that administration of the building in question is handed over to the apartment owners and also taking into account the order dated 15.05.2026 passed by the learned District Judge, as mentioned above, the appellant is permitted to move an appropriate application seeking recall of the order dated 14.01.2026 within a week from today. The petitioner in the contempt petition shall be entitled to file their objections/response, if any, to such an application within a week thereafter and the said application seeking recall of the order dated 14.01.2026 shall be listed before the learned Single Judge at the earliest possible and decided as per law.

8. We also provide that till the disposal of the application seeking recall of the impugned order dated 14.01.2026, the said order shall be kept in abeyance, however, the same shall abide by the order which may be passed by the learned Single Judge in the application seeking recall of the order dated 14.01.2026.

9. We make it clear that any observation made by us in this order shall not be construed, in any manner, to be an opinion on the merits of the case. We further provide that all the pleas are open to be urged by the parties before the learned Single Judge. The appeal stands disposed of in the aforesaid terms.



10. In case, the application seeking recall of the order dated 14.01.2026 is not filed by the appellant within the stipulated time, the benefit of this Order shall not be available to the appellant.

DEVENDRA KUMAR UPADHYAYA, CJ

TEJAS KARIA, J

MAY 21, 2026

N.Khanna