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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Decided on: 4th January, 2021

+ LPA 1/2021

SH VIPIN BIHARI SHARAN DWIVADI & ORS..... Appellants
Through: Mr.Tanmaya Mehta, Adv. with
Mr.Vineet Anand, Mr.Ankur Saini, Advs.

Versus

UNION OF INDIA & ANR. Respondents
Through: Mr.Jitesh Vikram Srivastava, Adv.
with Mr.Prajesh Vikram Srivastava, Adv. for UOI.
Mr.Rajiv Bansal, Sr.Adv. with Mr.Dhanesh Relan,
Standing Counsel for DDA.

CORAM:

**HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE PRATEEK JALAN**

JUDGMENT

: **D.N.PATEL, Chief Justice (Oral)**

Proceedings in the matter have been conducted through video conferencing.

C.M.No.40/2021 (exemptions)

Allowed, subject to all just exceptions.

The application is disposed of.

LPA No.1/2021 & C.Ms.No.38/2021(stay), 39/2021 (addl docs.)

1. The appellants in this appeal (except appellant no. 2) are original

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petitioners in W.P.(C) No.4756/2020. They have preferred this letters patent appeal being aggrieved and dissatisfied by the order dated 3rd November, 2020 passed by the learned Single Judge (Annexure A-1 to the memo of this appeal).

2. We have heard the learned counsel for the parties and perused the order dated 10th August, 2020 passed in LPA31/2020 (Annexure A-9 to the memo of the appeal) as well as the order dated 31st December, 2020 passed by the learned Single Judge of this Court in W.P.(C) No.11254/2020.

3. Looking to the facts and circumstances of the case and also considering the statement made before us by the learned counsel for the appellants to the effect that the appellants are ready and willing to make the payment of the entire cost of the flats within a period of two weeks alongwith interest claimed by the DDA on account of delay in payment, we direct that, if the original petitioners (being the appellants herein, except appellant no. 2) make the payment of the entire cost of the flats within a period of two weeks from today along with interest (to be calculated till the date of payment), no coercive steps as stated in the demand-cum-allotment letters issued by the respondent, shall be taken by the respondents.

4. However, the aforesaid payment shall be subject to the outcome of W.P.(C)4756/2020 and without prejudice to the rights and contentions of the parties in the said writ petition. We also make it clear that such payment will not constitute any admission of facts by the parties to the litigation and rights and contentions of the parties shall remain intact.

5. This order shall not apply to Appellant No.2 in this appeal as he is yet to be joined as a party to W.P.(C) No.4756/2020 before the learned Single

Judge.

6. With these observations, this appeal is disposed of along with the other pending applications.

CHIEF JUSTICE

PRATEEK JALAN, J

JANUARY 04, 2021/‘anb’



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