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

+ **O.M.P.(I) (COMM.) 191/2024 & I.A. 31626/2024**

MR. GAURAV KUKREJA

..... Petitioner

Through: Mr. Arjun Malik and Ms. Vrinda
Awasthi, Advs. (M:9911434271)

versus

M/S EARTHZ URBAN SPACES PRIVATE

LIMITED & ORS.

..... Respondent

Through: Mr. A K Singhla, Sr. Adv. with Mr.
Tanuj Gulati, Mr. Harshit Gupta &
Mr. Prince Balyan, Advs. for R-1 to
3. (M: 9599521278)

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% **31.05.2024**

1. This hearing has been done through hybrid mode.

I.A. 31626/2024 (for exemption)

2. Allowed subject to all just exceptions. Application is disposed of.

O.M.P.(I) (COMM.) 191/2024

3. This is a petition under Section 9 of the Arbitration and Conciliation Act, 1996 arising out of a construction agreement dated 4th September, 2021 in respect of property bearing no. '*S - 428, Greater Kailash, Part- II, New Delhi -110048 admeasuring 556 Sq. Yds*' (hereinafter, '*subject property*').

4. It is the case of the Petitioner that she is the owner of the subject property, and as per the construction agreement, the basement and the ground floor fall to the share of the builder, with a sum of Rs. 2.92 crores to be paid to the Petitioner. The same has been paid (as recorded vide



agreement to sell dated 4th September, 2021); however, the grievance of the Petitioner is that there has been a considerable delay of more than 10 months in the completion of the construction of the subject property.

5. On the other hand, Mr. Singla, Id. Counsel for the Respondents, submits that the construction of the subject property is almost complete, and the Respondent No. 2- Praleen Chopra has already entered into an agreement to sell dated 4th September, 2021 with the proposed purchaser in respect of the basement and the first floor of the subject property.

6. Issue notice.

7. The Court has perused the photographs handed over by Mr. Singla, Id. Counsel, who asserts that the construction of the subject property is almost complete. This is disputed by the Petitioner. Some of the photographs handed over by the Court are as follows:





This is a digitally signed order.

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8. The Court has perused the photographs. The stand of the Petitioner is that the possession of the completed floors has not been given to him. Accordingly, it is directed that the possession of the basement and the ground floor of the subject property shall not be handed over by the Respondents to any third party or any proposed purchaser until the complete possession of the subject property, in terms of the Agreement, has been handed over to the Petitioner by the Respondents after completing the entire construction.

9. Let the reply be filed within six weeks. Rejoinder, thereto, within four weeks.

10. List on 9th September, 2024.

PRATHIBA M. SINGH, J.

MAY 31, 2024

dj/dn