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IN THE HIGH COURT OF DELHI AT NEW DELHI

**W.P.(C) 9094/2021 and CM APPL. 34899/2022, 48765/2022,
55206/2022**

RAJEEV CHANDWANI AND ORS

..... Petitioners

Through: Mr. Vivek Sood, Sr. Adv with Mr.
Piyush Singh and Mr. Akshay
Srivastava, Advocates (M:
7507517216).

versus

UNION OF INDIA AND ORS

..... Respondents

Through: Mr. Anurag Ahluwalia CGSC with
Mr. Sahaj Garg GP for R-1,2 and 5
(M: 9811418995).

Mr. Vikas Pahwa, Sr. Adv. with Mr.
Shadman Siddiqui, Ms. Namisha
Jain & Ms. Sanskriti S. Gupta,
Advocates for R-3 (M:
9999841848).

Mr. Madhan Khurana, Mr. Guneet
Sidhu and Ms. Rita Arora, Advocates
for R-4 (M: 8283818896).

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

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15.05.2023

1. This hearing has been done through hybrid mode.

CM APPL. 55206/2022 (for exemption)

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

CM APPL. 48765/2022 (seeking transposition)

3. This is an application filed by the Applicant-Respondent No. 4 seeking transposition of Respondent No. 4-Ishan Singh as Petitioner. The Applicant is the landowner of the Project.



4. The present application is opposed by Respondent No. 3- Spaze Towers Private Limited.

5. Heard. The application for transposition is disposed of with the observation that the Respondent No. 4 is allowed to make submissions in support of the writ petition.

6. Application is disposed of.

CM APPL. 34899/2022 (for permission)

7. This is an application for permission to place on record facts and details regarding alternate statutory remedies and raise issues as to maintainability. The said objections as to maintainability shall be considered at the time of final hearing.

8. Application is disposed of.

W.P.(C) 9094/2021

9. The present petition has been preferred by 29 petitioners, who had booked commercial spaces with Respondent No.3-Spaze Towers Private Limited in its project namely 'Spaze Arrow' situated at Sector-78, Gurgaon, Haryana.

10. The grievance of the petitioners is that despite having paid about 90% of the total sale consideration, they have not yet been handed over possession of the respective commercial spaces, and have now reliably learnt that the Spaze Towers Private Limited is illegally diverting the amount received from them.

11. The documents and the affidavit annexed with the application seeking transposition, shall be read as part of the records of the present petition. If any party wishes to file any response in respect thereof, they are permitted to do so within six weeks. Rejoinder, be filed within six weeks.



12. List before the Registrar for completion of service and pleadings on 21st August, 2023.
13. List for final disposal before the Court on 21st November, 2023. On the said date, submissions shall be heard on the issue of maintainability as well.
14. All applications are disposed of.

PRATHIBA M. SINGH, J

MAY 15, 2023

mr/dn