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

+ **W.P.(C) 1978/2022 & CM APPL. 27671-27672/2023**

CJ INFRASTRUCTURE PVT LTD & ANR. Petitioners

Through: Mr. Mandeep Singh Vinaik, Ms. Anjali Sharma, Mr. Deepak, Mr. Thangkenkim, Ms. Ragini Vinaik, Advocates.

versus

DELHI DEVELOPMENT AUTHORITY Respondent

Through: Ms. Kritika Gupta, Advocate for R-1/DDA.

Mr Rajendra Sahu, Advocate for CM APPL. 52774/2022 with Mr Shiv Ambar Dar & Mr Guru Charandas Sharma, Advocates.

**CORAM:
HON'BLE MS. JUSTICE TARA VITASTA GANJU**

ORDER

% **23.05.2023**

[Physical Hearing/Hybrid Hearing (as per request)]

CM APPL. 27672/2023 [Application for Exemption]

1. Allowed, subject to the Petitioners filing legible copies of the annexures, at least three days before the next date of hearing.

CM APPL. 52774/2022 [Application filed on behalf of Applicants seeking Impleadment]

2. This is an Application filed on behalf of the Applicants i.e., Sh. Shiv Ambardar and Shri Guru Chandandass Sharma, seeking impleadment in the present Writ Petition.

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3. Although the Application is not listed today, with the consent of the parties, this Application has been taken up for hearing.

4. Issue Notice.

5. Learned Counsel for the Petitioners and the learned Counsel for Respondent No.1/DDA submit that they have no objection if the prayer in this Application is allowed.

5.1 It is ordered accordingly.

6. The Applicants are impleaded as Respondent Nos.2 and 3 in the present Writ Petition.

7. Let an amended memo of parties be placed on record.

W.P.(C) 1978/2022 and CM APPL. 27671/2023 [Application seeking interim relief qua Show Cause Notice dated 18.05.2022]

8. The present Application has been filed on behalf of the Petitioners impugning the Sealing/Demolition Order/Notice dated 18.05.2022 [hereinafter referred to as “the Impugned Order”] which has been issued by the Respondent No.1/DDA.

9. Learned Counsel for the Petitioners submits that the Impugned Order is *pari materia* to the notice which was issued by the Respondent No.1/DDA on 27.01.2021 and which is the subject matter of challenge in the present Writ Petition.

10. Learned Counsel for the Petitioners further submits that the property in issue i.e., Metroplex East Mall at Laxmi Nagar, Delhi [hereinafter called “said Mall”] is a shopping-cum-commercial complex which comprises of 197 shops besides other facilities.



11. Learned Counsel for the Petitioners submits that the Petitioner's grievance before this Court is *qua* the non-issue of completion/occupancy certificates by the Respondent No.1/DDA pursuant to the completion of the said Mall.

12. It is averred that on 19.05.2023 during the proceedings before the Real Estate Appellate Tribunal [hereinafter, referred to as 'REAT'], the Petitioners were supplied a copy of a Reply filed by the Respondent No.1/DDA in proceedings before the REAT.

12.1 Reliance in this regard is placed on Annexure A-1 appended to the present Reply before REAT wherein the Impugned Order is appended. Learned Counsel for the Petitioners further draws the attention of the Court to paragraph appended to page 28/29 of the present Application, which reads as follows:

"...I further direct sealing/demolition of the aforesaid unauthorized development, in case you fail to comply the above orders within 7 days of the receipt of these orders, so that provision of Delhi Development Act including demolition of the aforesaid unauthorized development may be carried out smoothly, and any dispute to the extent and nature of the aforesaid unauthorized development prevented SE (HQ), E. Zone/DDA is authorized to seal the aforesaid unauthorized and illegal development in the manner described in the Rule with the official seal of DDA."

13. Learned Counsel for Respondent No.1/DDA submits that the Impugned Order has been issued on account of deviation in the actual structure of the said Mall vis-a-vis the drawings supplied to Respondent No.1/DDA. In this regard, she seeks to rely on annexure at page 30 of the Application which appends a communication addressed to the Petitioner



from the Respondent No.1/DDA setting out the deviations.

14. Learned Counsel for the Petitioners controvert these averments and submits that there are actually no deviations. He submits that time and again, the Petitioners have addressed communications, oral and written, to Respondent No.1/DDA setting forth this fact, however, he has not received any response to the said communications.

15. Learned Counsel for the Respondent No.1/DDA further submits, on instructions, that the actions taken by the Respondent No.1/DDA were taken pursuant to an order passed by the Real Estate Regulatory Authority [hereinafter, referred to as “RERA”] on 22.02.2023.

16. Learned Counsel for the Petitioners further submits that a joint inspection of the said Mall by the Respondent No.1/DDA vis-a-vis the deviations to facilitate a resolution can be conducted between the representatives of the Petitioners and the Respondent No.1/DDA.

16.1 He further submits that in the event that Respondent No.1/DDA is permitted to proceed in terms of the Impugned Order, this will lead to grave consequences for the Petitioners as well as for the 197 occupants of the said Mall.

17. Learned Counsel also seeks time to file an affidavit with regard to the contents of the present Application.

18. The matter requires further examination.

19. Issue Notice.

20. Respondent Nos.2 and 3 seek time to file a Reply, if any, to the present Application.



21. Let Replies / Short Affidavits be filed by Respondents to the present Writ Petition and the Reply to the Application within two weeks.
- 21.1 Rejoinders thereto, if any, be filed at least one week before the next date of hearing.
22. In the meantime, Respondent No.1/DDA shall stay its hands *qua* the Impugned Order with respect to the said Mall.
23. Without prejudice to the rights and contentions of the parties, learned Counsel for the parties submit that a joint inspection can be conducted comprising the representatives of Petitioners and of Respondent No.1/DDA prior to the next date of hearing.
- 23.1 Let a joint inspection be conducted within two weeks.
24. Pursuant to the inspection, minutes of joint inspection shall be filed by the Respondent No.1/DDA at least one week before the next date of hearing.
25. Learned Counsel for the parties seek and are granted time to file their written synopsis, not exceeding three pages each, at least one week before the next date of hearing, along with compilations of judgments, if any, they wish to rely upon.
- 25.1 All judgments sought to be relied upon by the learned Counsel for the parties shall be filed with an index which also sets out the relevant paragraph numbers and the proposition of law that it sets forth.
26. List the matter on the date already fixed i.e., 11.07.2023.
27. Parties will act based on the digitally signed copy of the order.

TARA VITASTA GANJU, J

MAY 23, 2023/ ha
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[Click here to check corrigendum, if any](#)

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