

(2023) 08 DEL CK 0159
In the Delhi High Court
Case No : CONT.CAS(C) No. 304 Of 2018

Sameer Bajpai

APPELLANT

Vs

Dr. Puneet Kumar Goel & Ors

RESPONDENT

Date of Decision : 21-08-2023

Acts Referred:

Contempt of Courts Act, 1971 — Section 2(b), 16

Citation : (2023) 08 DEL CK 0159

Hon'ble Judges : Manmeet Pritam Singh Arora, J

Bench : Single Bench

Advocate : Shantwanu Singh, Sanjeev Sabharwal, Gaurav Bahl

Final Decision : Disposed Of

Judgement

Manmeet Pritam Singh Arora, J

1. This contempt petition has been filed under Section 2 (b) and 16 of the Contempt of Courts Act, 1971, stating that the Respondents herein have failed to comply with the directions issued by a Coordinate Bench of this Court vide order dated 29.08.2016 in WP(C) 4162/2016.

2. This order is being passed in continuation of orders dated 18.05.2023 and 23.05.2023.

3. The learned standing counsel for Municipal Corporation of Delhi ('MCD') states at the outset that Dr. Akeel Ahmed, the Executive Engineer ('EE') and Mr. Anil Kumar, Assistant Engineer ('AE') tender an unconditional apology to this Court. He states affidavits of the officials have been filed. He is directed to have the same placed on record.

3.1 He states that the directions issued vide order dated 29.08.2016 now stand complied with.

3.2 He states that after obtaining the standard plan from Delhi Development Authority ('DDA'), demolition was carried out on the building and the flats of the

Petitioner and Respondent No.3 now stand at the site as per the standard plan provided by DDA.

3.3 He states that there is unauthorized/illegal construction by the Petitioner on the terrace with respect to the barsati constructed on the said terrace remains pending. He states that the issue of the said barsati is pending consideration before Coordinate Bench in W.P.(C) 8616/2023. He states that MCD will abide by the final directions passed in the writ petition. 3.4 He prays that the apology of the EE and AE be accepted and the petition be disposed of in terms thereof.

4. The learned counsel for the Petitioner as well confirms that the order dated 29.08.2016 now stands complied with and he is not seeking any further directions to the Respondents in this petition.

5. The learned counsel for the Respondent No.3 as well confirms that all deviations in the flat of Respondent No.3 have been removed and the flat is now as per the standard plan.

6. In view of the statement made by the parties and the compliance undertaken by the Respondent MCD, the apology tendered by Dr. Akeel Ahmed and Mr. Anil Kumar is accepted and the show cause notice of contempt issued on 18.05.2023 is discharged.

7. The issue of unauthorised construction on the terrace by the Petitioner will be subject to the final outcome of W.P.(C) 8616/2023 and MCD will take steps accordingly.

8.1. The learned counsel for the Respondent No.3 states that he has filed a civil suit no. 83820/2016 against the Petitioner and he is asserting certain rights in the suit property. It is clarified that the said suit will be decided on its own merits.

9. Accordingly, the present contempt petition is disposed of as satisfied. Pending applications stands disposed of.