
(1998) 02 DEL CK 0037

In the Delhi High Court

Case No : Civil Writ Petition No. 3058 of 1987

S.K. Malhotra

APPELLANT

Vs

Delhi Development Authority

RESPONDENT

Date of Decision : 20-02-1998

Acts Referred:

Citation : (1998) 45 DRJ 175

Hon'ble Judges : V.K. Jain, J

Bench : Single Bench

Advocate : S.S. Rana, for the Appellant; Atul Verma, for the Respondent

Judgement

Vijender Jain, J.—This writ petition can be disposed of in view of the Full Bench decision of this court in Sheelawanti and Another, Retired/Retiring Public Servants Forum, Joginder Kumar Sharma, Alam Singh and Others, Gurpiari Jolly, Prem Chopra, Dwarka Dass and Ravi Kher Vs. Delhi Development Authority and Another, . In Smt. Sheelawanti's case (supra), the Court in paragraph 42 of the judgment held as under :-

"However, we feel that in view of the judgment in A.K. Bahl's case, (supra) which is given in its own facts and perhaps misled the petitioners to approach this Court seeking a similar relief, not available to them, it would be fair to direct the D.D.A. not to charge interest on the amount demanded from the date of the judgment in A.K. Bahl's case or from the date of filing of the writ petitions, whichever is later, up to 31st March, 1995."

2. In view of the observations of the Full Bench and also in view of the fact that all the petitioners have deposited 50% of the demand money in terms of order dated 11.8.1988 and some of the petitioners have deposited the full payment of the amount demanded by the DDA, it would be fair that the period of order passed by this Court on 11.8.1988 till the decision in Sheelawanti's case (supra), the DDA is directed not to charge interest for that period. It is, however, clarified that the petitioner shall be liable to pay interest in terms of the demand letter for

delay in the payments from 1st April, 1995 till the payment is made.

3. In the cases where the amount has been deposited by the petitioners and there was delay in handing over the possession of the flats by the respondent the respondent as per their contractual obligation shall pay interest to the petitioner at the rate of 7% per annum.

4. With these directions, the petition stands disposed of.