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

+ **W.P.(C) 1419/2024**

SACHIN SIKKA & ANR.

..... Petitioners

Through: Mr. Sachin Sikka with Ms. Priya
Sikka and Mr. Urfee Haider,
Advocates.

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. Guru Dutt Sharma, SPC with
Mr. Kamaldeep, GP for respondent
UOI.
Email: kamalkami1990@gmail.com

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

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01.02.2024

1. The present petition has been filed praying for directions to the respondent-bank to not charge the Pre-EMIs or Full EMIs from the petitioners. There is further prayer for direction to the respondent bank to charge all the Pre-EMIs or Full EMIs till the possession is not delivered from the respondent no. 4-builder.
2. It is submitted that petitioners are innocent home-buyers, who were lured by the assurances made by respondent no. 4-builder as to the residential flats in the project namely “*Sikka Kaamna Greens*” situated at Plot No. GH-3(B), Sector-143, FNG Expressway, Noida West-201301.
3. It is submitted that the respondent no. 4-builder had assured the



petitioners that the aforesaid project would be constructed and delivered within 36 months from the date of Flat Allotment Agreement. Further, Clause 26 of the Flat Allotment Agreement dated 19th November, 2015 also provided additional six months to cover *force majeure* circumstances, if any. Thus, it is submitted that based on such assurances and representations about the timely delivery of the project, the petitioners booked their residential flat on 09th October, 2015. However, it is submitted that the respondent no. 4-builder has abruptly stopped payments of the Pre-EMIs to the bank, i.e., Punjab National Bank just after 4-5 months. Thereafter, the petitioners have already paid an amount of Rs. 43,96,477.41/- towards Pre-EMIs interest, late fees, penalty bounce charges, etc. as on 03rd July, 2023.

4. It is submitted that the petitioners are suffering because of the wrongful act of the banks/financial institutions, as they are now insisting that the said EMIs be paid by the petitioners. Thus, the present writ petition has been filed.

5. Issue notice.

6. Notice is accepted by learned counsel appearing for respondent no. 1.

7. Let notice be issued to respondent nos. 2 to 5.

8. Reply be filed within four weeks. Rejoinder thereto, if any, be filed within two weeks thereafter.

9. List on 09th July, 2024.

MINI PUSHKARNA, J

FEBRUARY 1, 2024

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