



\$~108

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

+ W.P.(C) 6852/2024 & CM APPLs. 28540/2024 & 28541/2024

MANVI DIKSHIT SHARMA

..... Petitioner

Through: Mr. Bishwajit Dubey, DHCLSC with  
Ms. Ananya Sikri, Advocates.  
(M): 9811175375  
Email: office@bishwajitdubey.com

versus

DEVELOPMENT AUTHORITY DDA & ORS. .... Respondents

Through: Ms. Prabhsahay Kaur, SC with  
Mr. Bir Inder Singh Gurm, Advocate  
for respondent no. 1/DDA.  
(M): 9711778471  
Email: [sahayk@gmail.com](mailto:sahayk@gmail.com)  
Mr. Karn Bhardwaj, ASC, GNCTD  
with Mr. Shubham Singh, Mr. Rajat  
Gaba and Mr. Saurabh Dahiya,  
Advocates for respondent no. 2.  
(M): 8860029289

**CORAM:**

**HON'BLE MS. JUSTICE MINI PUSHKARNA**

**ORDER**

%

**14.05.2024**

**CM APPL. 28541/2024 (for exemption)**

1. Exemption allowed, subject to just exceptions.
2. Application is disposed of.

**W.P.(C) 6852/2024 & CM APPLs. 28540/2024**

3. The present petition has been filed *inter alia* for directions to the



respondent no. 1 to direct the allottees/respondents to constitute an Apartment Owners Association in terms of the directions issued by the Division Bench of this Court vide judgment dated 28<sup>th</sup> May, 2010 in *W.P. (C) No. 1959/2007*. The present petition also seeks other prayers, *inter alia* with respect to declaring the present Resident Welfare Association (“RWA”)/respondent no. 3 registered by respondent no. 1, as null and void.

4. Learned counsel appearing for the petitioner has drawn the attention of this Court to the Delhi Development Authority (“DDA”) Housing Scheme, 2019, in particular to para 14, wherein it is stated as follows:-

“xxx xxx xxx

**14. RESPONSIBILITY FOR THE MAINTENANCE OF COMMON PORTIONS AND COMMON SERVICES, ETC.:-**

xxx xxx xxx

*For the purpose of major (capital nature) maintenance, for a period of 10 (ten) years, contribution towards the maintenance fund shall be recovered from the allottees. The Scheme requires that the entire maintenance funds collected would be placed in a corpus as an escrow account and maintenance works (Capital nature) would be undertaken out of the interest earned from the corpus. The fund will be apportioned to the RWAs registered with DDA and will be managed by a Committee in which DDA will be represented by the Executive Engineer of the concerned zone. The civil and electrical maintenance of all the newly constructed flats will be carried only from the interest arising out of the corpus created for maintenance. In case, there is any shortfall, the concerned RWAs, registered with DDA, will have to bridge the gap through contribution from the allottees and DDA will not contribute any fund towards maintenance. The fund becomes operative from the date the first demand-cum-allotment letter is issued.*

xxx xxx xxx”

5. Thus, learned counsel for the petitioner submits that the DDA ought to also specifically answer, as to whether out of the amount, which is kept in the Escrow Account, only the interest or the whole principal amount, is to be used. He further submits that DDA should also answer whether out of the



amount which is kept in the Escrow Account, only interest amount is to be utilised for capital expenditure. Thus, he submits that DDA may specify on this aspect.

6. Issue notice. Notice is accepted by learned counsels appearing for respondent no. 1 and 2.
7. Let notice be issued to respondent no. 3.
8. Reply be filed within a period of four weeks. Rejoinder thereto, if any, be filed within a period of two weeks thereafter.
9. DDA is directed to specifically reply with respect to Clause 14 of the DDA Housing Scheme, 2019.
10. List on 29<sup>th</sup> August, 2024.

**MINI PUSHKARNA, J**

**MAY 14, 2024**

c