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

+ W.P.(C) 8106/2019

CORPORATION BANK

..... Petitioner

Through: Mr. Samarendra Kumar, Adv.

versus

THE DIRECTOR, HOUSING-II DELHI DEVELOPMENT
AUTHORITY AND ORS.

..... Respondents

Through: Mr. Yudhister Sharma, Adv. for R-1.
Advocate (appearance not given) for
R-4 with R-4 in person.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

% **16.03.2021**

Despite clear direction of this Court on 12.03.2021, the Delhi Development Authority ('DDA') was supposed to file an affidavit apropos the outstanding amount; the same has not been filed.

The learned counsel for the DDA, states, upon instructions, that the outstanding amount is Rs.1,69,198/-. The learned counsel for auction purchaser/respondent no. 4 states, upon instructions, that the said auction purchaser is willing to pay the monies to the DDA. However, the learned counsel for the petitioner submits that the petitioner had written to the DDA vide letter dated 05.10.2018, seeking details of the amount which was due to the DDA. At that time, the total amount was Rs.1,31,000/-. The DDA chose not to respond to the same; instead it has possibly now added interest thereon, whereby the amount is enhanced to Rs.1,69,198/-.

If the enhancement is primarily on account of the interest component



from October 2018 till date, surely the DDA would not be entitled to the enhanced amount, as the petitioner had sent them the aforesaid communication. For its own lackadaisical approach or default in response to a pertinent query raised by the petitioner-Bank, the DDA cannot seek to benefit, nor can the petitioner or auction purchaser be made to pay excess amounts.

In the circumstances, let the DDA file an affidavit within a week, with advance copy to the learned counsel for the parties as well as to respondent no. 4 directly, through e-mail.

For the default of non-filing of the affidavit today, a cost of Rs.5,000/- is imposed upon the DDA, which shall be paid to the respondent no.4/ auction purchaser.

List on 25.03.2021.

NAJMI WAZIRI, J

MARCH 16, 2021

AB