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

+ **W.P.(C) 8106/2019**

CORPORATION BANK

..... Petitioner

Through: Mr. Jugal Wadhwa, Mr. Rishabh Wadhwa, Mr. Raghav Goyal and Mr. Prashant Sodhi, Advocates.

versus

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

..... Respondents

Through: Mr. Yudhister Sharma, Adv. for R-1.
Ms. Shruti Jindal, Respondent No.4 in person.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

% **25.03.2021**

The hearing has been conducted through hybrid mode (physical and virtual hearing)

1. As per the computation filed by the DDA, Rs.1,69,198/- is payable. However, the DDA does not refer to the communication of the Corporation Bank to the DDA dated 05.10.2018, seeking information from the DDA apropos handing over the possession of the property in question. The DDA's silence apropos the information sought cannot be to the detriment of the auction purchaser or the bank through whom the auction purchaser had purchased the property. She is ready and willing to pay the requisite monies.



2. The amount of Rs. 1,69,198/- has been computed as under:

<i>Particulars</i>	<i>Amount</i>
<i>Balance 10% cost</i>	<i>Rs.1,31,479.80</i>
<i>Interest on 10% of cost</i> <i>10X131479.80X75/1200</i>	<i>Rs.82,174.87</i>
<i>Less:50% OTM refund excluding</i> <i>GST (-)</i>	<i>Rs.72,737.50</i>
<i>Total</i>	<i>Rs.1,40,918/-</i>
<i>Conversion Charges</i>	<i>Rs.28,280/-</i>
<i>Grand Total</i>	<i>Rs,1,69,198/-</i>

3. What is evident is that the interest component of Rs.82,174.87, is for a period for which the petitioner should not be held liable because the Corporation Bank/petitioner had written to the DDA asking for requisite details. If the said details would have been provided to the petitioner on time, maybe the amount of Rs.1,31,479.80 could have been paid much earlier and the interest component could have been avoided.
4. Furthermore, she would also be entitled to 50 percent OTM refund excluding GST.
5. To establish her bona fides, the auction purchaser is ready and willing to deposit Rs.87,022/-[Rs.1,31,479.80(*Balance 10% cost*) – Rs.72,737.50 (*Less:50% OTM refund excluding GST*) + Rs.28,280(*Conversion Charges*) = Rs.87,022.3(*Grand Total*)] to the DDA. Let her do so in two weeks.



6. The DDA shall file a fresh computation, keeping in mind, the aforesaid circumstances and/or accept the aforesaid monies towards full payment.
7. List on 12.08.2021.

MARCH 25, 2021
RW

NAJMI WAZIRI, J