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

+ W.P.(C) 16/2022 & CM APPL. 31/2022

ANKUSH GUPTA

..... Petitioner

Through: Mr. Abhishek Kukkar, Adv.

versus

DDA

..... Respondent

Through: Mr. Arun Birbal, Adv.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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05.01.2022

The hearing was conducted through video conferencing.

CM APPL. 32/2022

1. Allowed, subject to all just exceptions.
2. Application stands disposed-off.

W.P.(C) 16/2022

3. The petitioner submits that no Letter of Intent ('LOI') was issued to him in the prescribed format or through the admissible mode of communications *apropos* deposit of 20% of the EMD, in terms of the bid amount. Therefore, for the DDA to now cancel the allotment is arbitrary.
4. Issue notice. Notice is accepted by the learned counsel named above for the respondent.
5. Reply be filed within four weeks. Rejoinder, if any, be filed within four weeks before the next date.
6. The bid was made on 18.06.2020. Since the petitioner had not



deposited the monies within the stipulated period, the allotment of the plot in question was cancelled and the 5% of the EMD paid by the petitioner also stood forfeited. Subsequently, the plot in question was put for re-auction, and it was allotted to a third party namely, Ajani Builders Pvt. Ltd.

7. The petitioner submits that even the third party has not paid the monies.
8. Mr. Birbal submits that if that is the position, the third party ought to be impleaded as a respondent.
9. The learned counsel for the petitioner submits that he will file an application for impleadment of Ajani Builders Pvt. Ltd.
10. Renotify on 12.07.2022.
11. The order be uploaded on the website forthwith.

NAJMI WAZIRI, J

JANUARY 5, 2022/dss