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

+ **RFA 39/2022**

DELHI DEVELOPMENT AUTHORITY & ANR. Appellants

Through : Mr.Ashim Vachher, Standing Counsel
Mr.Vaibhav Dabas and Mr.Kunal
Lakda, Advocates.

versus

D R CHAWLA

..... Respondent

Through : None.

CORAM:

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

03.02.2022

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1. The hearing has been conducted through Video Conferencing.

CM APPL No.5902/2022

2. Exemption allowed, subject to all just exceptions.

3. The application stands disposed of.

RFA 39/2022, CM APPL. 5901/2022

4. This appeal is filed by the appellants against the impugned judgment and decree dated 06.07.2021 passed by the learned Trial Court in CS No.207717/2016.

5. It is the submission of the learned counsel for appellants the DDA awarded the contract to respondent for electrical work of 600 odd flats which were divided into three groups. The contract was awarded in the year 2008 and was to be completed on or before 09.07.2010. The learned counsel for appellants submit the respondent requested the DDA to extend the time for completion of the contract and ultimately it was completed on 27.09.2013. The respondent/plaintiff alleges in the plaint the contract was extended on understanding the final fittings and fixtures shall be done as and when the respective *allottees* would receive the possession of the flats. This



position has been denied by the DDA. It is also submitted during the tenure of the contract, the respondent never wrote any letter to the DDA for seeking compensation because of the delay and even at the time of submission of final bill and receipt of payment, the respondent never urged for compensation and rather after receiving the entire payment, on 08.03.2014 the respondent had sent a letter to the DDA alleging he had suffered the losses because of the delay on the part of the DDA.

6. The learned counsel for the appellant submits the learned Trial Court also noted both the parties were at fault, but since the DDA was at a dominating position, the learned Trial Court awarded 75% of the amount claimed by respondent as compensation, which is alleged to be wrongly awarded by the learned Trial Court.

7. In view of above, notice be issued to the respondent through all modes including email and whatsapp returnable before the learned Registrar on 05.08.2022.

8. In the meanwhile, subject to appellants depositing 50% of the decretal amount along with upto date interest with the learned Registrar General of this Court within four weeks from today, the operation of the impugned judgment and decree shall remain stayed.

9. The LCR be also requisitioned.

10. Upon completion of service/pleadings, the matter be listed before this Court.

YOGESH KHANNA, J.

FEBRUARY 03, 2022

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