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

+ W.P.(C) 15918/2023, CM APPL. 64114/2023, CM APPL.
64116/2023

J SAGAR ASSOCIATES

.....Petitioner

Through: Mr. Sandeep Sethi, Senior Advocate
with Mr. Buddy A. Ranganathan,
Mr. Anupam Verma, Mr. Aditya
Gupta and Mr. Adamya Ojha,
Advocates.

versus

HOUSING AND URBAN DEVELOPMENT CORPORATION LTD
& ORS.

.....Respondents

Through: Mr. Vijay Joshi, Mr. Shubham
Chaturvedi and Mr. Hemant Goyal,
Advocates for R-2.
Mr. Ajjay Aroraa, Mr. Kapil Dutta,
Mr. Vansh Luthra and Mr. Nitish
Dubey, Advocates for MCD.
Mr. Pawanjit Singh Bindra, Senior
Advocate with Mr. Abhishek
Agarwal, Advocate for R-2, 3.
Mr. Rishi Kapoor, Ms. Deboleena
Dutta and Mr. Ankur Sudan,
Advocates for V Square Service Pvt
Ltd.
Mr. Ankur Chawla, Advocate for
Applicants.
Mr. Anuj Malhotra, Advocate for R-
5.
Mr. Tushar Sannu, Advocate for
GNCTD.
Mr. Raghav Sabharwal, Mr. Harsh
Vardhan Singh, Ms. Sakshi Jain,
Advocates for R-5.



+ W.P.(C) 11847/2024, CM APPL. 49317/2024. CM APPL.
67897/2024

ANSAL PLAZA OWNERS WELFARE ASSOCIATION

.....Petitioner

Through: Mr. Raghav Sabharwal, Mr. Harsh
Vardhan Singh, Ms. Sakshi Jain,
Advocates.

versus

LAND AND DEVELOPMENT OFFICE & ORS.Respondents

Through: Mr. Shashank Bajpai, CGSC with
Mr. Aakash Meena, Advocates for R-
1, 4.
Mr. Rishi Kapoor, Ms. Deboleena
Dutta and Mr. Ankur Sudan,
Advocates for V Square Service Pvt
Ltd.
Mr. Ankur Chawla, Advocate for
Applicants.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **21.11.2024**

1. Mr. Sandeep Sethi, Senior Counsel, who represents J Sagar Associates and Mr. Raghav Sabharwal, counsel representing Ansal Plaza Owners Welfare Association, submit that “VSquare Services Private Limited”, currently functioning as the maintenance agency, can no longer continue in this role. They assert that the owners of Ansal Plaza Mall, HUDCO Place, should have the autonomy to decide upon the agency to be engaged for rendering maintenance services. On the other hand, Mr. Rishi



Kapoor, counsel representing VSquare Services Private Limited, contends that his client has been validly appointed as the maintenance agency. He emphasises that VSquare Services Private Limited has incurred substantial expenses in obtaining various clearances and fulfilling regulatory requirements; he further adds that their dues remain unpaid. Additionally, Mr. Ankur Chawla, counsel representing some of the owners within the complex, acknowledges the existence of an association known as the Ansal Plaza Owners Welfare Association. However, he challenges the said Petitioner's authority to represent this association.

2. Mr. Chawla also suggests that the decision to either retain VSquare Services Private Limited or to appoint a new agency should be left to the discretion of the general body of the association. This proposition finds favour with the Court. In the opinion of the Court, the choice of maintenance agency ought to be a collective decision made by the owners themselves. The Association must take a decision that best serves the collective interests of all owners, ensuring the efficient maintenance and management of the mall.

3. Accordingly, the Court directs the Ansal Plaza Owners Welfare Association to convene a General Body Meeting¹ within four weeks from today to deliberate and decide on the appointment of the maintenance agency for Ansal Plaza Mall, HUDCO Place. The decision reached at the GBM shall be placed before the Court, on an affidavit, within one week thereafter.

4. It has been further suggested that an observer or chairman should oversee the proceedings of the GBM to ensure fairness and transparency. In



light of this, the Court appoints Mr. Sachin Gupta, Advocate, who is present in Court, to act as the Chairman/Observer for this purpose. A notice convening the GBM shall be issued to all members of the Ansal Plaza Owners Welfare Association within ten days. The notice must specify the date, time, venue, and agenda of the meeting. Prior to the meeting, Mr. Gupta shall verify the list of members eligible to participate and vote, ensuring that only *bona fide* owners are involved in the decision-making process. Mr. Gupta shall oversee the voting process, ensuring it is conducted transparently, whether by show of hands, ballot, or any other method as per the association's bye-laws/rules. The minutes of the meeting shall be recorded, capturing all significant deliberations, proposals, and resolutions passed. The minutes must be duly signed by Mr. Gupta and any other office bearers. All parties involved are directed to extend full cooperation to Mr. Sachin Gupta in the execution of his duties. Non-compliance by any member may be brought to the notice of the Court. Mr. Gupta's professional remuneration shall be borne by the Intervenor Applicants represented by Mr. Ankur Chawla.

5. List on 21st January, 2025.

SANJEEV NARULA, J

NOVEMBER 21, 2024

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¹ "GBM"