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

+ W.P.(C) 11847/2024, CM APPL. 49317/2024 CM APPL. 67897/2024
CM APPL. 68435/2024 CM APPL. 69771/2024 CM APPL.
72056/2024 CM APPL. 75631/2024 CM APPL. 75655/2024 CM
APPL. 75670/2024 CM APPL. 625/2025 CM APPL. 3790/2025 CM
APPL. 3794/2025 CM APPL. 3796/2025 CM APPL. 3797/2025 CM
APPL. 3801/2025 CM APPL. 10252/2025 CM APPL. 13657/2025
CM APPL. 17626/2025 CM APPL. 20968/2025 CM APPL.
24958/2025 CM APPL. 22332/2026 CM APPL. 28000/2026

ANSAL PLAZA OWNERS WELFARE ASSOCIATION

.....Petitioner

Through: Mr. Akshay Ringe, Mr Anuj
Malhotra, Ms Prerna Mahajan, Ms
ishanee Kapoor and Ms Janhavi Negi,
Advs.

versus

LAND AND DEVELOPMENT OFFICE & ORS.

.....Respondent

Through: Mr. Shashank Bajpai CGSC with Ms.
Aashna Mehra, Mr. Vatsal Tripathi,
Mr. Govind Singh Chauhan, Advs.
for R-1 & 4.
Mr. Sharique Hussain, Advocate for
R-2.
Mr. Bhavya Sharma, Mr. Sanjay Jain,
Ms. Kanika Sharma, Ms. Shivani
Jaiswal, Ms. Meghna Gade, Advs. for
R-3.
Mr. Saurabh Kirpal, Senior Advocate
with Mr. Rishi Kapoor, Mr Rajat
Choudhary, Ms. Vidhi Jain and Mr.
Ankur Sudan, Advs. for R-6.
Mr. Sumit Gaur, Mr. Pulkit



Srivastava, Mr. Kumud Nijhawan and
Mr. Sunil Kaushik, Advs. for
applicant.

CORAM:
HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

% **27.04.2026**

1. The petition is for the following reliefs:

"a. Direct the L&DO (Respondent No. 1) which is the competent authority to ensure that the handing of the management and maintenance of the Ansal Plaza Mall to the Petitioner - APOWA is conducted in a seamless manner; b. Direct the builder/promoter – APIL (Respondent No. 5) to transfer the management and maintenance of the Ansal Plaza Mall to APOWA;

c. Direct the builder/promoter – APIL to hand over the books of accounts, bank account and other documents pertaining to the Ansal Plaza Mall to APOWA;

d. Restrain the builder/promoter – APIL and any agency appointed by APIL (VSquare) to maintain and manage the Ansal Plaza Mall and its common areas as they have no right under law to undertake such operations;

e. Restrain the Respondents from disconnecting essential services to the Mall or blocking the access of the visitors to the Mall;

f. Any other order or orders as this Hon'ble Court may deem fit and proper in the present case, in the interest of justice."

2. The petitioner claims to be a society representing the owners/occupants/sub-lessees of units in Ansal Plaza Mall, Khel Gaon Marg, New Delhi-110049 (**property in question**). Respondent no. 5-M/s Ansal Properties and Infrastructure Ltd. (**builder**) is the builder of the property in question, whereas, respondent no. 6-M/s Vsquare Services Private Limited (**maintenance agency**) is the agency appointed by the



builder for its maintenance.

3. The petitioner is aggrieved by the failure of the builder to transfer and handover maintenance of the premises in question to it. According to the petitioner, the builder is obligated under Section 15 of the Delhi Apartment Ownership Act, 1986 (**Act**). Learned counsel for the petitioner places reliance on the decision of this Court in **O.S. Bajpai v. Administrator (Lt. Governor of NCT of Delhi)**,³ to contend that the respondent no. 1-Land and Development Officer (**L&DO**), who is the competent authority for the purposes of the Act, is bound to ensure that the builder complies with the provisions thereof.

4. The principal contesting party is the maintenance agency. In its counter affidavit, it has disputed the maintainability of the petition and contended that the petitioner is not the legitimate 'Apartment Owners' Association' for the purposes of the Act. Further, it has claimed that more than half of the owners in the property in question have appointed it as the maintenance agency, and therefore, there is no infirmity in its appointment.

5. At this stage, it is pertinent to note that eighteen third-parties, claiming to be owners of certain units, have filed C.M. Appl 3794/2025 seeking impleadment as respondents. In the application, they also dispute the legitimacy of the petitioner-association, and contend that its constitution is in contravention of the provisions of the Act.

6. The Court, on various dates, on the basis of the submissions of the parties, passed certain directions in order to bring a *quietus* to the dispute. On 09.12.2024, the Court appointed a mediator to resolve the dispute. However, the situation still persists.



7. In fact, the maintenance agency has filed C.M. Appl 28000/2026 raising the aforesaid preliminary objections to the maintainability of the petition.

8. A conspectus of the stand taken by the parties indicates that there exist disputed questions of fact relating to the legitimacy of the petitioner-association as the representative of the owners. The Supreme Court in ***Union of India v. T.R. Varma***,⁴ has held that in cases involving seriously disputed questions of fact, it would be more appropriate for the Writ Court to relegate the parties to the Civil Court. The relevant portion of the decision is extracted below, for reference:

“6. At the very outset, we have to observe that a writ petition under Article 226 is not the appropriate proceeding for adjudication of disputes like the present. Under the law, a person whose services have been wrongfully terminated, is entitled to institute an action to vindicate his rights, and in such an action, the Court will be competent to award all the reliefs to which he may be entitled, including some which would not be admissible in a writ petition. It is well-settled that when an alternative and equally efficacious remedy is open to a litigant, he should be required to pursue that remedy and not invoke the special jurisdiction of the High Court to issue a prerogative writ. It is true that the existence of another remedy does not affect the jurisdiction of the Court to issue a writ; but, as observed by this Court in Rashid Ahmed v. Municipal Board, Kairana [(1950) SCR 566] “the existence of an adequate legal remedy is a thing to be taken into consideration in the matter of granting writs”. Vide also K.S. Rashid and Son v. Income Tax Investigation Commission [(1954) SCR 738, 747] . And where such remedy exists, it will be a sound exercise of discretion to refuse to interfere in a petition under Article 226, unless there are good grounds therefor. None such appears in the present case. On the other hand, the point for determination in this petition whether the respondent was denied a reasonable opportunity to present his case, turns mainly on the question whether he was prevented from cross-examining the witnesses, who gave evidence in support of the charge. That is a question on which there is a serious dispute, which cannot be satisfactorily decided without taking evidence. It is not the practice of courts to decide questions of that

³ 2010:DHC:2958-DB

⁴ 1957 SCC OnLine SC 30



character in a writ petition, and it would have been a proper exercise of discretion in the present case if the learned Judges had referred the respondent to a suit. In this appeal, we should have ourselves adopted that course, and passed the order which the learned Judges should have passed. But we feel pressed by the fact that the order dismissing the respondent having been made on September 16, 1954, an action to set it aside would now be time-barred. As the High Court has gone into the matter on the merits, we propose to dispose of this appeal on a consideration of the merits.”

9. The granting of the relief sought in the petition would be contingent on the legitimacy of the petitioner’s claim to be representing the owners of the association. Since this aspect itself is under dispute, it would not be appropriate for the Court to exercise its powers under Article 226 of the Constitution of India.

10. The parties shall be at liberty to raise their grievance before the appropriate forum in accordance with law.

11. Accordingly, the petition, along with pending applications, stands disposed of.

PURUSHAINdra KUMAR KAURAV, J

APRIL 27, 2026/p