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

+ W.P.(C) 14779/2024

SANTOSH KUMAR DEY & ANR.Petitioners

Through: Mr. Manish Kumar, Adv.

versus

LIC HOUSING FINANCE LTD & ORS.Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

% **22.10.2024**

CM APPL. 62089/2024 & CM APPL. 62090/2024- EXMP.

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

W.P.(C) 14779/2024 & CM APPL. 62088/2024

3. The petitioners are invoking the writ jurisdiction of this Court, seeking a direction to safeguard their rights against the respondents *qua* taking coercive actions in relation to the home loan they availed for the ongoing residential project launched by the respondent No. 2/Golf Course Sehkari Awas Samiti Ltd.
4. No one is present for the respondents despite sending advance notice.
5. In a nutshell, the petitioners had subscribed to the scheme launched by respondent No. 2 and has been allotted a Flat/Unit No. 4031, 3rd Floor, in Block/Tower T-4, in Shiv Kala Charms, Plot No. 7, Sec-II, Greater Noida, UP, for a tentative cost of Rs. 40,00,000/-.
6. The petitioners entered into a tripartite agreement with



respondent Nos. 1 and 2 on the one hand, as well as among themselves on the other hand, for availing a loan of Rs. 30,00,000/-.

7. The grievance of the petitioners is that, contrary to the terms and conditions of the tripartite agreement dated 14.12.2009, the entire amount of the loan was disbursed, which was otherwise linked to the construction stages at the site.

8. The issue in hand is squarely covered by the interim directions passed by the Supreme Court in the case of *Himanshu Singh & Ors. Vs. Union of India & Ors.* in SLP No. 7649/2023 *vide* order dated 17.04.2023. The matter requires a deeper examination.

9. Let notice be issued to the respondents by all permissible modes. In the meanwhile, no coercive action shall be initiated against the petitioners and if initiated, shall remain in abeyance.

10. Re-notify along with the connected matters listed on 12.12.2024.

DHARMESH SHARMA, J.

OCTOBER 22, 2024/g/sa