

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

I.A. NO.2 IN AND CIVIL APPEAL NO.1488 OF 2003

PRABHAWATI

Appellant (s)

VERSUS

GHAZIABAD DEVELOPMENT AUTHORITY

Respondent(s)

(For recalling the Court's order and office report)

With Cont. Pet. (C) No.115/2006 in Civil Appeal No.3910 of 2003  
(With appln.(s) for urging grounds and office report)

I.A. No.3 in Civil Appeal No.3910 of 2003  
(For recalling the Court's Order dated 20/04/2005 with office report)

Date: 07/11/2008 These Matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL  
HON'BLE MR. JUSTICE G.S. SINGHVI

For Appellant(s)	Mr. D.K. Garg,Adv.
In Cont. Pet. &	Mr. Ritu Puri,Adv.
I.A. No.3:	Mr. V.K. Biju,Adv.
In I.A.:	Mr. Soumyajit Pani,Adv. Mr. Ansar Ahmad Chaudhary,Adv.
For Respondent(s)	Mr. Vijay Hansaria,Sr.Adv. Ms. Reena Singh,Adv. Mr. T. Mahipal,Adv.

UPON hearing counsel the Court made the following  
ORDER

I.A. No.2 in and Civil Appeal No.1488 of 2003:

Heard learned counsel for the parties.

The interlocutory application is allowed.

The civil appeal is allowed.

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Cont. Pet. (C) No.115/2006 in C.A. No.3910/2003:

In view of the order passed in Interlocutory Application No.3  
in Civil Appeal No.3910 of 2003, we do not proceed further with the  
contempt proceeding.

Accordingly, the contempt petition is disposed of.

I.A. No.3 in Civil Appeal No.3910 of 2003:

Issue notice.

Let the records of Contempt Petition No.115 of 2006 be placed along with the interlocutory application.

[ T.I. Rajput ]  
A.R.-cum-P.S.

[ Savita Sainani ]  
Court Master

[Signed order is placed on the file]  
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

I.A. NO.2  
IN AND  
CIVIL APPEAL NO.1488 OF 2003

Prabhawati

...Appellant(s)

Versus

Ghaziabad Development Authority

...Respondent(s)

With Contempt Petition (C) No.115 of 2006 in Civil Appeal No.3910 of 2003

O R D E R

This application has been filed for recall of order dated 20th April, 2005, passed in Civil Appeal No.1488 of 2003, whereby appeal filed by Ghaziabad Development Authority (for short, 'the Authority') was allowed in-part as the counsel appearing on behalf of the respondent did not appear. It appears that, under some confusion, the said order was passed. Accordingly, the said order is recalled and Interlocutory Application No.2 is allowed.

Heard learned counsel appearing on behalf of the parties in Civil Appeal No.1488 of 2003.

In the facts and circumstances of the case, we are of the view that the Authority should be directed to implement the allotment order dated 8 th December, 2006, according to

....2/-

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which Smt. Prabhawati was required to deposit Rs.1,75,594/- in relation to Plot No.178-D, Swaran Jayanti Puram with interest at the rate of eighteen per cent per annum from 8th December, 2006, till the date of payment.

In view of these facts, the appeal is allowed and Smt. Prabhawati is directed to deposit Rs.1,75,594/- together with interest at the rate of eighteen per cent per annum from 8th December, 2006, till the date of payment within a period of four weeks from today. Upon such deposit being made, the Authority shall deliver possession of the aforesaid plot to the respondent Smt. Prabhawati within a period of one month from the date of deposit.

The Authority shall be permitted to withdraw the amount deposited before the District Forum.

Contempt Petition (C) No.115 of 2006 in Civil Appeal No.3910 of 2003:

In view of the order passed in Interlocutory Application No.3 in Civil Appeal No.3910 of 2003, we do not proceed further with the contempt proceeding.

Accordingly, the contempt petition is disposed of.

J.

[B.N. AGRAWAL]

J.

[G.S. SINGHVI]

New Delhi,  
November 07, 2008.