

S U P R E M E C O U R T O F
R E C O R D O F P R O C E E D I N G S

I N D I A

CIVIL APPEAL NO(S). 1083 of 2006

Ram Sahai Mishra and Ors.

Appellants

versus

Ghaziabad Development Authority & Anr.

Respondents

(with application for stay and deletion of the name of the appellant and office report)

Date : 28/08/2015 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE VIKRAMAJIT SEN
HON'BLE MR. JUSTICE SHIVA KIRTI SINGH

For Appellant(s)

Mr. Vivek Tankha, Sr. Adv.
Mr. D. Kumanan, Adv.
Mr. Varun Chopra, Adv.
Mr. B.K. Satija, Adv.

Mr. C.D. Singh, Adv.
Mr. Darpan B., Adv.

For Respondent(s)

Mr. Krishnanand Pandey, Adv.
Mr. Amrendra Kumar Choubey, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Appeal and all the pending applications are disposed of in terms of the Signed Order.

(NEELAM GULATI)
COURT MASTER

(SAROJ SAINI)
COURT MASTER

Signature Not Verified

(Signed order is placed on the file)

Digitally signed by
Usha Rani Bhardwaj
Date: 2015.09.16
13:42:10 IST
Reason:

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). 1083 of 2006

RAM SAHAI MISHRA AND ORS.

Appellants

versus

GHAZIABAD DEVELOPMENT AUTHORITY & ANR.

Respondents

O R D E R

There were originally fifteen Appellants before us who had assailed the Impugned Order passed by the Monopolies and Restrictive Trade Practices Commission, New Delhi (in short 'the MRTP') on 28th October, 2005. Out of these fifteen Appellants, Appellant Nos. 6,7,10 & 15 have paid the dues as per the subsisting contract during the pendency of this Appeal and consequently Title Deeds have been executed in their favour. Now, the remaining Appellants have also decided to amicably settle the disputes with the Respondent-Ghaziabad Development Authority (in short 'the Authority'), which has agreed to permit them to liquidate the outstanding amount in a maximum of six equal monthly instalments starting from 1st October, 2015.

Learned Senior Counsel appearing for the Appellants very reasonably requests that the amounts due from and payable by each of the Appellants may be re-calculated by

-2-

the Authority in order to remove any possible error in calculation. We direct the Respondent-Authority to do so and to ensure that the rates of interest chargeable from the Appellants is as favourable as those granted to the four other Appellants in favour of whom Title Deed have already been executed. Needless to say, this interest cannot in any event exceed the contractual rate. If any of the Appellants are desirous of liquidating the entire dues as on date in one or lesser than six instalments, they shall be free to do so. The re-calculated dues may be conveyed to the Appellants by the Respondent-Authority within fortnight from today by registered post or personally, if they visit the Authority's office within this period.

In view of the settlement, the Appeal is disposed of as compromised, with no order as to costs.

As a natural corollary all pending applications also stand disposed of.

.....J
(VIKRAMAJIT SEN)

.....J
(SHIVA KIRTI SINGH)

NEW DELHI
August 28, 2015