

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

RECORD OF PROCEEDINGS

CIVIL APPEAL NO. 7396 OF 2002

Ghaziabad Development Authority

Petitioner(s)

Versus

Sri Davendra Sharma

Respondent(s)

With

CIVIL APPEAL NO. 7695/2002

CIVIL APPEAL NO. 400/2003

CIVIL APPEAL NO. 1018/2003

CIVIL APPEAL NO. 3955/2003

SLP(C) NO. 23127/2003

SLP(C) NO. 14052/2003

(with prayer for interim relief)

CIVIL APPEAL NO. 407/2003

CIVIL APPEAL NO. 401/2003

CIVIL APPEAL NO. 398/2003

CIVIL APPEAL NO. 8514/2002

(with office report)

CIVIL APPEAL NO. 7783/2002

(with appln. for exemption from filing OT)

CIVIL APPEAL NO. 408/2003

CIVIL APPEAL NO. 1012/2003

CIVIL APPEAL NO. 1488/2003

(with office report)

CIVIL APPEAL NO. 3910/2003

CIVIL APPEAL NO. 8529/2002

(with appln. for exemption from filing OT)

SLP(C) NO.12583/2003

(With appln. for c/delay in filing SLP)

SLP(C) NO.12605/2003

(With appln. for c/delay in filing SLP)

SLP(C) NO.12606/2003

(With appln. for c/delay in refiling SLP and with office report)

SLP(C) NO.12607/2003

(With appln. for c/delay in refiling SLP and with office report)

SLP(C) NO. 13785/2003

(With prayer for interim relief and office report)

CIVIL APPEAL NO. 8401/2002

CIVIL APPEAL NO. 7287/2002

CIVIL APPEAL NO. 403/2003

CIVIL APPEAL NO. 1015/2003

CIVIL APPEAL NO. 1965/2003

CIVIL APPEAL NO. 3959/2003

..2/-

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CIVIL APPEAL NO. 7386/2002

SLP(C) NO. 22736/2002

(With appln. for exemption from filing OT with prayer for interim relief)

CIVIL APPEAL NO. 1020/2003

(With appln. for withdrawal)

CIVIL APPEAL NO. 549/2003

(With office report)

CIVIL APPEAL NO. 1501/2003

DATE : 20/04/2005 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL

HON'BLE MR. JUSTICE H.K. SEMA

For G.D.A.

Mr.Vijay Hansaria, Sr. Adv.

Ms. Reena Singh, Adv.

Mr. T Mahipal, Adv.

For Appellant (s)

Mr. Ravindra Kumar, Adv.

Mr. Ashok K Srivastava, Adv

Ms. Rekha Pandey, Adv. (Not

Present)

For Respondent(s)

Mr. M.C. Dhingra, Adv.

Mr. K.L. Janjani, Adv.

Mr. Pankaj Kumar Singh, Adv

Mr. Vinod K Tiwari, Adv.

Mr. J.P.N. Gupta, Adv.

Mr. S.K. Nandy, Adv.

Mr. Anil Nag, Adv.

s, Adv.

M/s I.M. Nanavati Associate

(Not Present)

Adv.

Mr. Vimal Chandra S. Dave,

Mr. S.V. Deshpandey, Adv.

In 8514/2002

Mr. Ravindra Kumar, Adv.

Mr. R.D. Upadhyay, Adv.

Mr. H.K. Puri, Adv.

..3/-

Mr. K.B. Sinha, Sr.Adv.

Mr. Rajeev Singh, Adv.

Mr. P.N. Ramalingam, Adv.

In 1488/2003

Ms. Rekha Pandey, Ad. (Not Present)

Mr. Alok Gupta, Adv.

Mr. A.N. Bardiyar, Adv.

UPON hearing counsel the Court made the following

O R D E R

CIVIL APPEAL NOS. 7396/2002, 7695/2002, 400/2003,1018/2003,3955/2003 SLP(C) NOS.

23

127/2003,14052/2003,CIVIL APPEAL NOS.407/2003, 4

01/2003,

398/2003,8514/2002,7783/2002,408/2003

Heard the parties.

These appeals and special leave petition are disposed of in terms of the judgments

passed in Ghaziabad Development Authority vs. Balbir Singh reported in 2004(5) SCC 65 and

Ghaziabad Development Authroity vs.Balbir Singh reported in 2004 (10)SCALE 183.. No

costs.

It is clarified that no interest shall be payable during the period when stay granted

by the High Court was operative.

CIVIL APPEAL NOS. 1012/2003,1488/2003, 3910/2003,8529/2002,

CIVIL APPEAL NOS.2768/2005,2769/2005,2770/2005, 2771/2005, 2772/2005

( arising out of SLP(C) Nos. 12583/2003,12605/2003, 12606/2003, 12607/2003, 13785/2003, CIVIL

A

PPEAL NOS. 84

01/2002, 7287/2002, 403/2003, 1015/2003, 1965/2003, 3959/2003, 7386/20

02,

1020/2003

Heard the parties.

Delay condoned.

Leave granted in special leave petitions.

The appeals are allowed in part, the direction for delivery of possession in favour

of the respondents is set aside. So far as the direction for making payment of interest @ 18 per

cent is concerned, it is directed that the allottees shall be entitled to

..4/-

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refund of the entire amount deposited by them together with interest @ 18 per cent from the

date of deposit till the same is refunded. No costs.

Pursuant to orders of this Court if any amount has been deposited before any

authority or Court and the same has been already withdrawn by the allottees, in that event

only, the same shall be adjusted by the authority.

SLP(C) No. 22736/2002 & Civil Appeal No. 549/2003( CATEGORY IV),  
CIVIL

APPEAL NO.1501/2003 (CATEGORY V)

List on 3rd May, 2005.

[ Charanjeet Kaur ]

Court Master

[ Om Prakash

Court Master

[ Signed order is placed on the file ]

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 7396 OF 2002

Ghaziabad Development Authority .. Appellant(s)

)

Versus

Sri Davendra Sharma .. Respondent(s)

s)

WITH

CIVIL APPEAL NOS. 7695/2002, 400/2003,1018/2003,3955/2003

SLP(C) NOS. 23127/2003,14052/2003,CIVIL APPEAL NOS. 407/2003

401/2003,398/2003,8514/2002,7783/2002,408/2003,1012/2003,

1488/2003, 3910/2003,8529/2002,CIVIL APPEAL NOS.

2768/2005, 2769/2005, 2770/2005, 2771/2005, 2772/2005

( arising out of SLP(C) Nos. 12583/2003,12605/2003, 12606/2003, 12607/2003, 13785/2003 ), CIVIL

APPEAL NOS.8401/2002, 7287/2002, 403/2003, 1015/2003, 1965/2003, 3959/2003, 7386/2002,

1020/2003

O R D E R

CIVIL APPEAL NOS. 7396/2002, 7695/2002, 400/2003,1018/2003,3955/2003

SLP(C) NOS. 23127/2003,14052/2003,CIVIL APPEAL NOS. 407/2003

401/2003,398/2003,8514/2002,7783/2002,408/2003

Heard the parties.

The point involved in these cases is concluded by judgments of this Court

rendered in Ghaziabad Development Authority vs. Balbir Singh reported in 2004(5) SC C 65

and Ghaziabad Development Authority vs. Balbir Singh reported in 2004 (10)SCALE 183.

Accordingly, these appeals and special leave petition are disposed of in terms of

the said judgments. No costs.

It is clarified that no interest shall be payable during the period when stay granted

by the High Court was operative.

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CIVIL APPEAL NOS. 1012/2003, 1488/2003, 3910/2003, 8529/2002,

CIVIL APPEAL NOS. 2768/2005, 2769/2005, 2770/2005, 2771/2005, 2772/2005

( arising out of SLP(C) Nos. 12583/2003, 12605/2003, 12606/2003, 12607/2003, 13785/2003, CIVIL

A

APPEAL NOS. 84

01/2002, 7287/2002, 403/2003, 1015/2003, 1965/2003, 3959/2003, 7386/2002

,  
1020/2003

Heard the parties.

Delay condoned.

Leave granted in special leave petitions.

In all these cases, it has been stated that the Ghaziabad Development Authority

has not been able to deliver possession to the allottees. It has been held by this Court in the

case of Ghaziabad Development Authority vs. Balbir Singh reported in 2004(5) SCC 65 that in

such cases, the direction for delivery of possession has to be set aside and only direction that

could be given was to refund the allottees, the amount deposited by them together with

interest @ 18 per cent from the date of deposit till refund.

Accordingly, the appeals are allowed in part, the direction for delivery of

possession in favour of the respondents is set aside. So far as the direction for making payment

of interest @ 18 per cent is concerned, it is directed that the allottees shall be entitled to refund

of the entire amount deposited by them together with interest @ 18 per cent from the date of

deposit till the same is refunded. No costs.

..3/-

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Pursuant to orders of this Court if any amount has been deposited before any

authority or Court and the same has been already withdrawn by the allottees, in that event

only, the same shall be adjusted by the authority.

N. AGRAWAL ]

.....J[ B.

H.K. SEMA ]

.....J [

NEW DELHI,

APRIL 20, 2005.