

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. 4082 OF 2003

GHAZIABAD DEVELOPMENT AUTHORITY

Appellant (s)

VERSUS

R.K. SHARMA

Respondent(s)

Date: 05/05/2005 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL

HON'BLE MR. JUSTICE H.K. SEMA

For Appellant(s)

Mr. Vijay Hansaria, Sr.Adv.

Ms. Reena Singh, Adv.

for Mr. T. Mahipal,Adv.

For Respondent(s)

Mr. Parthapratim Chaudhuri, Adv.

Mr. Anil Kumar Sharma, Adv.

Mr. Aditya Sharma, Adv.

Mr. K.S. Rana,Adv.

UPON hearing counsel the Court made the following

O R D E R

Heard learned counsel for the parties.

The appeal is allowed.

[Alka Dudeja]

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. 4082 OF 2003

Ghaziabad Development Authority

...Appellant (s)

Versus

R.K. Sharma

...Respondent(s)

O R D E R

Heard learned counsel for the parties.

After the case was heard, learned counsel appearing on behalf of the respondent, after consulting the respondent, who is present in Court, stated that the impugned orders be set aside and his client is ready to deposit the balance amount of Rs.5.09 lacs with 18 per cent interest from the date possession of the house was delivered to the respondent till payment. It has been further stated by learned counsel appearing on behalf of the respondent that out of the sum of Rs.5.09 lacs, apart from Rs.1.46 lacs, he has further

deposited the amount of Rs.2,14,390/-. Learned senior counsel appearing on behalf of the appellant-Authority stated that according to his instructions Rs.1.46 lacs have already been deposited and after adjusting the same, the respondent was liable to deposit balance sum of Rs.3.63 lacs. So far as the other amount, which has been claimed by the respondent to have been deposited, it has been stated that learned senior counsel appearing on behalf of the appellant is not in a position to say whether the figures are correct or not or if the respondent has at all deposited any

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balance amount. That is the matter to be looked into by the Authority. In case the amount claimed by the respondent, that is, the sum of Rs.2,14,390/- has been deposited, in that event, after adjusting the said amount out of Rs.3.63 lacs, the balance amount shall be deposited by the respondent within a period of six months with 18 per cent interest thereon from the date possession was delivered to the respondent till the aforesaid amount is deposited by him. Learned senior counsel appearing on behalf of the appellant shall intimate the balance amount after adjusting the payment, if any made by the respondent to the Authority, within two months from today.

Accordingly, the appeal is allowed, impugned orders are set aside and the

appeal is disposed of with the aforesaid directions.

It is, however, clarified that if within the time schedule, the balance amount is

not deposited by the respondent, it would be open to the Authority to cancel the allotment made in favour of the respondent.

.....J.

(B.N. Agrawal)

.....J.

(H.K. Sema)

New Delhi,

May 05, 2005.