

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. 394 OF 2003

SHAKUNTALA DEVI

Appellant (s)

VERSUS

GHAZIABAD DEVELOPMENT AUTHORITY

Respondent(s)

With Civil Appeal No. 1014 of 2003

S.L.P.(C) No. 12596 of 2003

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

S.L.P.(C) No. 12604 of 2003

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

S.L.P.(C) No. 14053 of 2003

(With prayer for interim relief and office report)

Civil Appeal No. 1489 of 2003

Civil Appeal No. 1498 of 2003

Civil Appeal No. 1960 of 2003

(With office report)

Civil Appeal No. 392 of 2003

Civil Appeal No. 413 of 2003

Civil Appeal No. 415 of 2003

Civil Appeal No. 416 of 2003

Civil Appeal No. 417 of 2003

S.L.P.(C) No. 15139 of 2003

Civil Appeal No. 4082 of 2003

Civil Appeal No. 1021 of 2003

Civil Appeal No. 9747 of 2003

(With office report)

Civil Appeal No. 2021 of 2004

Contempt Petition (C) No. 498 of 2004 in Civil Appeal No. 2021 of 2004

....2/-

- 2 -

Date: 26/04/2005 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL

HON'BLE MR. JUSTICE H.K. SEMA

For Appellant(s)

in CAs 394, 413, 415,

416, 417 and for

Petitioner(s) in

SLP 14053:

Mr. Ravindra Kumar, Adv.

For Appellant(s)

in CA 2021:

Mr. Ravi Prakash Mehrotra, Adv.

Mr. Garvesh Kabra, Adv.

For Petitioner(s)

in Cont.Pet.

Mr. Ravi Prakash Mehrotra, Adv.

Mr. Garvesh Kabra, Adv.

For G.D.A.

Mr. Vijay Hansaria, Sr.Adv.

Ms. Reena Singh, Adv.

Ms. Bhakti Pasrija, Adv.

Mr. T. Mahipal, Adv.

For Respondent(s)

in CAs 1489, 1960, 392,

1014, 1498 and in

SLPs 12596 & 12604:

Mr. Ravindra Kumar, Adv.

in CA 4082:

Mr. K.S. Rana, Adv.

in CA 9747:

Mr. Ravi Prakash Mehrotra, Adv.

Mr. Garvesh Kabra, Adv.

UPON hearing counsel the Court made the following

O R D E R

Civil Appeal Nos. 394, 413, 415, 416 & 417 of 2003 and Civil Appeal No. 2854 of 2005

arising out of Special Leave Petition (C) No. 14053 OF 2003:

Heard learned counsel for the parties.

Delay condoned.

Leave granted.

The appeals are dismissed.

No costs.

...3/-

- 3 -

Civil Appeal Nos. 1489, 1960, 392, 1014, 1498 & 1021 of 2003 and Special Leave Petition

(C) Nos. 12596 and 12604 of 2003:

Heard learned counsel for the parties.

Delay condoned.

The civil appeals and the special leave petitions are disposed of.

No costs.

Civil Appeal No. 2853 of 2005 arising out of Special Leave Petition (C) No. 15139 of 2003:

Heard learned counsel for the appellant.

Delay condoned.

Leave granted.

Nobody has entered appearance to contest the prayer made in this appeal in

spite of service of notice.

The appeal is disposed of.

No costs.

Civil Appeal No. 9747 of 2003:

In view of the fact that the respondent has already been paid interest at the rate of 18 per cent per annum, the appeal is, accordingly, disposed of.

No costs.

Civil Appeal No. 2021 of 2004:

Heard learned counsel for the parties.

The appeal is dismissed.

No costs.

Contempt Petition (C) No. 498 of 2004 in Civil Appeal No. 2021 of 2004:

Heard learned counsel for the petitioner.

The contempt petition is dismissed.

Civil Appeal No. 4082 of 2003:

List on 3rd May, 2005.

[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 ORIGINAL JURISDICTION

CIVIL APPEAL NO. 394 OF 2003

Shakuntala Devi

...Appellant (s)

Versus

Ghaziabad Development Authority

...Respondent(s)

WITH

CIVIL APPEAL NOS. 413, 415, 416, 417, 1489, 1960, 392, 1014, 1498, 1021 & 9747 OF
2003 AND 2021 OF 2004 AND SPECIAL LEAVE PETITION NOS. 12596 & 12604 OF
2003

CIVIL APPEAL NOS. 2853 and 2854 OF 2005

(Arising out of S.L.P.(C)No. 15139 and 14053 of 2003)

AND

CONTEMPT PETITION (C) NO. 498 OF 2004

IN

CIVIL APPEAL NO. 2021 OF 2004

O R D E R

Civil Appeal Nos. 394, 413, 415, 416 & 417 of 2003 and Civil Appeal No. 2854 of 2005

arising out of Special Leave Petition (C) No. 14053 OF 2003:

Heard learned counsel for the parties.

Leave granted.

The point involved in these cases is concluded by the judgment of this Court rendered in Ghaziabad Development Authority Vs. Balbir Singh, reported in 2004 (5) SCC 65.

The appeals are, accordingly, disposed of in the above terms.

No costs.

Civil Appeal Nos. 1489, 1960, 392, 1014, 1498 & 1021 of 2003 and Special Leave Petition (C) Nos. 12596 and 12604 of 2003:

Heard learned counsel for the parties.

The point involved in these cases is concluded by the judgments of this Court rendered in Ghaziabad Development

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- 2 -

Authority Vs. Balbir Singh, reported in 2004 (5) SCC 65 and Ghaziabad Development

Authority Vs. Balbir Singh, reported in 2004 (10) SCALE 183.

Accordingly, the civil appeals and the special leave petitions 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.

Civil Appeal No. 2853 of 2005 arising out of Special Leave Petition (C) No. 15139 of 2003:

Heard learned counsel for the appellant.

Leave granted.

Nobody has entered appearance to contest the prayer made in this appeal in spite of service of notice.

The point involved in this case is concluded by the judgment of this Court rendered in Ghaziabad Development Authority Vs. Balbir Singh, reported in 2004 (10)

SCALE 183.

Accordingly, the appeal is disposed of in terms of the said judgment.

No costs.

However, it is made clear that this order shall not preclude the appellant from taking such steps as is permissible under law for recovery of the deficit amount, if any, payable by the allottee-respondent.

Civil Appeal No. 9747 of 2003:

In view of the fact that the respondent has already been paid interest at the rate of 18 per cent per annum, the appeal is, accordingly, disposed of.

No costs.

....3/-

Civil Appeal No. 2021 of 2004:

Heard learned counsel for the parties.

We do not find any ground to interfere with the impugned order.

The appeal is, accordingly, dismissed.

No costs.

Contempt Petition (C) No. 498 of 2004 in Civil Appeal No. 2021 of 2004:

Heard learned counsel for the petitioner.

We do not find that any case for contempt is made out.

The contempt petition is, accordingly, dismissed.

.....J.

(B.N. Agrawal)

.....J.

(H.K. Sema)

New Delhi,

April 26, 2005.