

Delhi Development Authority Vs. Skipper Construction and anr.

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Court : Supreme Court of India

Decided On : Mar-19-2002

Reported in : (2002)9SCC387

Judge : U.C. Banerjee and; Shivaraj V. Patil, JJ.

Appeal No. : SLP (C) No. 21000 of 1993 with IA Nos. 60, 62, 68 and 92 to 95

Appellant : Delhi Development Authority

Respondent : Skipper Construction and anr.

Judgement :

U.C. Banerjee and; Shivaraj V. Patil, JJ.

1. In the judgment of this Court in Delhi Development Authority v. Skipper Construction Co. (P) Ltd.¹ this Court categorically recorded a finding that the purchasers of the flats at Jhandewalan Tower ought to be reimbursed in full. By a further judgment of this Court on this issue [Delhi Development Authority v. Skipper Construction Co. (P) Ltd.²] this Court clarified the position as to payment of interest on principal amount. Be it noted that there are three Commissions of Enquiry reports; one headed by the Hon'ble Mr Justice R.C. Lahoti (former Judge, Delhi High Court and presently the Judge of this Court), the second headed by the Hon'ble Mr Justice O. Chinnappa Reddy (a former Judge of this Court) and the third headed by Mr Justice P.K. Bahri (a former Judge of the Delhi High Court), whereas the records depict that in terms of various orders of this Court the findings

arrived at by the earlier two Commissions stand implemented by way of payment to the flat-owners as regards the principal amount, but no such order has yet been passed as regards the conclusions arrived at by the third Commission of Enquiry headed by Mr Justice P.K. Bahri. Justice Bahri has found and accepted 140 claims of which the total amount comes to Rs 93,27,638 (Rupees ninety-three lakhs twenty-seven thousand six hundred and thirty-eight only). In addition thereto, there were 66 claims which were, however, rejected for the reasons recorded by the learned Judge and we need not however dilate thereon since the recommendations are accepted as regards 140 claimants for the quantum noticed above.

2. It has been the effort of this Court right from the beginning of this matter, which has been nearly a decade now, that the interest of the investors ought to be protected and that itself prompted this Court to direct payment from out of the funds lying in the Registry of this Court in terms of the earlier order. We have been informed by the amicus that a total amount of about Rs 5 crores is still available with the Registry in terms of the earlier orders of this Court. The money thus available is sufficient to pay the principal amount as found by the learned Judge in his report amounting to Rs 93,27,638. It is on this score we feel it proper and expedient to pass an order for payment to all those 140 claimants who are entitled, as appears from the first report of the learned Judge. The records depict further that the learned Judge has furnished a supplementary report wherein the claim of another claimant stands accepted to the extent of Rs 69,000. The aforesaid sum of Rs 69,000 be also paid to the claimant as found by the Commission.

3. In the result the Registry is directed to issue individual notices to the 141 claimants at the addresses available in the annexure to the report. The payment shall be made to the claimants in accordance with the mode as deemed fit having due regard to the fact situation of the matter on identification of claimants by their advocates. The Registrar-General however would be at liberty to appoint an officer not below the rank of Additional Registrar as the Disbursement Officer. The matter thus stands disposed of as regards disbursement of payment. Be it clarified that the refund is only as regards the principal amount in terms of the report of the Commission and as regards the issue of interest the same will abide by the further

orders of this Court, as has already been directed. It is, however, made clear that this order has been passed with regard to the Jhandewalan property for the two specified periods and the leftover.

4. The matter remained part-heard.

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