

Sh. Suresh Kumar Gupta Vs. Delhi Development Authority

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Court : Delhi

Decided On : Aug-14-2001

Reported in : 93(2001)DLT699

Judge : Mr. Manmohan Sarin, J.

Appeal No. : CW No. 7401 and CM. 11399/2000

Appellant : Sh. Suresh Kumar Gupta

Respondent : Delhi Development Authority

Advocate for Def. : Ms. Anusuya Salwan, Adv.

Advocate for Pet/Ap. : Mr. Sumit Bansal, Adv

Disposition : Writ petition allowed

Judgement :

ORDER

Manmohan Sarin, J.

1. Rule.

With the consent of the parties the writ petition is taken up for disposal.

2. The petitioner Mr.Suresh Kumar Gupta has filed this writ petition seeking a writ of certiorari for quashing the demand letter dated 30.6.2000. A sum of Rs.11,15,505/- was demanded in case the payment was made up to 25.1.2000. The petitioner came to the court complaining of discrimination as similar flat holders, were being charged lesser amounts. the petitioner accordingly even made a representation dated 4.9.2000 to the DDA for rectification of the demand letter.

3. Respondent DDA has filed a counter affidavit, wherein, it is fairly conceded that there was an error in as much as the API i.e. actual period interest, element was taken twice in the computation of the amount demanded. Learned counsel for DDA submits that the amount payable on the basis of the disposal cost worked out to Rs.8,70,582 in stead of Rs.10,83, 389/-. In view of the DDA having conceded this error in the computation, I am of the view that even though the demand letter which was stated to have been sent on 30.12.1999 but was not received by the petitioner , the petitioner cannot be burdened with interest. The rationale being that the petitioner was not obliged to comely with the erroneous demand. In the even the petitioner collected the demand from the office of the respondents on 3.8.2000. Respondents shall issue a demand letter to the petitioner without charging interest on the delayed payment within 2 weeks from today. In case the petitioner makes the payment of the same within 2 weeks thereof, petitioner shall not be liable for any interest. However if the payment is delayed, petitioner shall be liable for future interest at the stipulated rate.

4. With petition stands allowed in the above terms.

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