

Smt. Renu Bali Vs. Delhi Development Authority

Smt. Renu Bali Vs. Delhi Development Authority

SooperKanoon Citation : sooperkanoon.com/704401

Court : Delhi

Decided On : Oct-30-2003

Reported in : 108(2003)DLT392

Judge : Sanjay Kishan Kaul, J.

Acts : [Constitution of India](#) - Article 226

Appeal No. : C.W.P. No. 5141 of 2000 and CWP Nos. 5817, 6629 of 1998, 246, 489, 709, 723, 747, 768, 791, 948, 108

Appellant : Smt. Renu Bali

Respondent : Delhi Development Authority

Advocate for Def. : J.M. Sabharwal, Sr. Adv., ; Anusuya Salwan, ; K.K. Bhuchar

Advocate for Pet/Ap. : S.K. Rungta,; Maninder Singh,; Abhinav Mukherjee,;

Judgement :

ORDER

Sub: Regularisation of delays in respect of the Flats allotted in South Delhi under the SFS

Under the present delegation of powers, delays in making payments of first 4 Installments as well as payment of 5th and final Installment are regularised as per following delegation of powers:

Director (H)-I - up to 3 months
Commr. (Housing) - up to 1 Year
Principal Commr. -
From 1 Year to 1 1/2 Year
V.C. - Full powers
2. With the approval of L.G. a decision was taken that the current price for South Delhi flats will be worked out by adding a surcharge of 20% from the price worked out as per old format. The approval of L.G. to this decision was granted on 12.7.1996.

3. There are presently cases in the Housing Department where there have been delays in the making of the payments of the flats allocated/allotted in South Delhi under S.F.S. Before the aforesaid revision took place, delays of one year or so were being regularised with usual charges, i.e., on payment of 18% interest per annum and restoration charges, etc. in few cases where delays are unusually long, current price has also been demanded.

4. With the revision aforesaid, a question has arisen whether delay should be got regularised or flats should be disposed of, at current price since that can fetch perhaps some more revenue in few cases.

5. Matter has been considered and it is felt that non-regularisation of delays in deserving cases will be presented and therefore, in the cases of those who have got allocations/allotments in South Delhi, if any time extension/ regularisation of delay is done as per above delegation of powers, then we may do so with the following condition:

'Delay shall be regularised on payment of either current price or old price/usual charges, whichever is higher.'
6. This may please be approved, so that further action in individual cases is accordingly taken. Sd/-Kewal K. Sharma
(Commissioner Housing)

13. The effect of the aforesaid circular was that in respect of South Delhi flats, a 20% surcharge was added. Simultaneously, it was decided that in respect of South Delhi flats where there has been defaults in making payment, the delay in making payment was to be regularised only by payment of either current price or old price /usual charges, whichever was higher. This policy decision, thus, came into force on 22.8.1996 when the scheme was approved by the Vice-Chairman, DDA.

14. On 27.8.1996, the authority constituted under the said Act passed a resolution being Item No. 105 dealing with the grant of incentives to applicants of the proposed Expandable Housing Scheme - 1976 for making payment on cash down. To balance the reduced cash flow because of the discount being offered for cash down payment under the scheme, it was found necessary to charge premium in the areas where the real value in the market of DDA flats is much higher and, thus, a 20% premium over the disposable cost was worked out for South Delhi flats.

15. Another office order was issued by the respondent DDA on 5.11.1998 also dealing with the issue of delayed payments of Installments, which is as under :

'No. HAU-IX/Delay/98/DDA/239-M November 5, 1998OFFICE

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com