

(Supreme Court Of India)

Delhi Development Authority

v.

Skipper Construction & Another

(Ruma Pal and Ar. Lakshmanan, JJ.,)

Special Leave to Petition (Civil) No. 21000 Of 1993 With Interlocutory Application No. 67, 95, 98, 99, 100, 104, 106, 107, 108, 110, 111, 112 & 113, 114-115 & 116 In Special Leave to Petition (Civil) No. 21000 Of 1993, Slp(C) No Cc.10419-10420 Of 2003, Slp(C).Cc.203-204 Of 2004, Special Leave to Petition (Civil) No. 27136 Of 2004 | 17-08-2005

I.A. Nos. 112 & 114

1. M/s. Shikha Developers Ltd. shall deposit within one week the balance amount payable together with 7% interest calculated from the date of each deposit with the Registry of this Court. In default of making the payment in terms of this order, the application for modification will stand rejected. Let the matter be placed before the Bench which passed the original order of which the modification is sought. Let I.A. Nos. 112 and 114 be placed before the Bench of three-Judges.

2. It is stated by the learned Senior Counsel appearing on behalf of Chairman and Managing Directors of the erstwhile New Bank of India (now merged in the Punjab and National Bank) and the Canara Bank for withdrawal of the orders of attachment and vacation of the order passed by this Court directing attachment of the properties of these officers. It is stated by the learned Senior Counsel appearing on behalf of these officers or their legal representatives that the Banks have already received the payment. Liberty is granted to such persons seeking such relief to make an appropriate application to this Court. Liberty is granted to the Official Liquidator to file his report within one week. Liberty is also granted to M/s. Shikha Developers Ltd. to file an affidavit in response to the learned Amicus-Curiae's note in the course of the day.

I.A. No. 106

3. Association of plot holders will file their responses to I.A. No. 106 in the course of the day. Applicant in I.A. No. 106 shall file an affidavit annexing thereto the proposal made to the Greater Noida Industrial Development Authority for sanction and the order of the Greater Noida Industrial Development Authority for rejecting the proposal within the course of one week.

I.A. No. 113

4. I.A. No. 113 is dismissed as infructuous in view of the fact that according to the applicant, namely, Tejwant Singh the Company-M/s. Skipper Construction Co. Pvt. Ltd. has been ordered to be wound up on 2.9.2004 and the Official Liquidator has been appointed to take possession.

I.A. No. 99

5. This application has been filed for a direction to the Delhi Development Authority to deposit an amount of Rs. 25.44 crores with the Registry of this Court. The money, which is the subject matter of this I.A., was realised by the Delhi Development Authority as part of the sale consideration in respect of the Jhandewalan property. The property had originally been bid for by the applicant. The bid was accepted conditionally and possession was made over to the applicant subject to making payment of the bid amount. The applicant did not pay the bid amount in full. The bid was cancelled and the Delhi Development Authority sought to resume the property.

6. The action of the Delhi Development Authority was affirmed by this Court and the Delhi Development Authority assumed possession of the property and has sold the same. The price of sale was approved by this Court. The applicant claims that the entirety of the sale consideration received by the Delhi Development Authority in respect of the Jhandewalan property should be deposited with the Registry, this is based on the misconception that the cost of

construction of the Jhandewalan property had not been recovered from the Delhi Development Authority. Pursuant to the order of this Court the cost of construction assessed at Rs. 16 crores has been deposited in the Court and the amount has been distributed to those who had contributed towards the construction.

7. Apart from this, it is clear that when the Delhi Development Authority reassumed possession, whatever interest the applicant had in the property ceased. When the Delhi Development Authority sold the property, it did so, as the owner thereof and is entitled to keep the balance of the consideration received on sale of the same.

I.A. No. 99 is dismissed.

Reg : Note of Mr. Dayan Krishnan-Amicus-Curiae dated 9.8.2005

8. This Court by its judgment dated 7.4.2005 had directed that the outstanding claims in respect of the claimants against the Skipper Group of Companies should be referred to a Claims Commissioner. Ordered accordingly.

9. In this connection the Claims Commissioner will issue a public notice within four weeks after getting the amount required for the publication released from the Registry upon an application to be made. Two months' time thereafter should be granted for submitting the applications.

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10. Delay condoned.

11. The special leave petitions are dismissed.

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12. Respondent No. 2 has gone into liquidation. Admittedly, respondent No. 2 is a contesting respondent.

13. Petitioner to take necessary steps in this regard before the special leave petition is next placed in the list. The special leave petition is adjourned.