

PETITION FOR SPECIAL LEAVE TO APPEAL(CIVIL) NO. 14314,11959,14262 & 12470 OF 2014

WITH PRAYER FOR INTERIM RELIEF

AND

INTERLOCUTORY APPLICATION NO.

(Application for impleadment as party respondent)

DHIRENDRA SHARMA & ORS. ETC.

...PETITIONERS

VERSUS

EMERALD COURT OWNER RES.

& WELFARE ASSOCIATION & ORS. ETC

...RESPONDENTS

OFFICE REPORT

The matters above mentioned were listed before the Hon'ble court on 05.05.2014, when the following order was passed:

“Permission to file special leave petitions is granted in S.L.P.(Civil) No.../2014 [CC No. 6754/2014] and S.L.P.(Civil) No.../2014 [CC No. 7546 of 2014].

Issue notice returnable on July 21, 2014.

Dasti, in addition to the ordinary process, is permitted.

Ms. Bina Gupta, advocate, waives service for the respondent - Emerald Court Owners Resident Welfare Association.

Mr. Ravindra Kumar, advocate, waives service for the respondent – New Okhla Industrial Development Authority (NOIDA).

Notice shall be issued only to the unrepresented respondents.

Having regard to the statement made by Mr. Mukul Rohatgi, learned senior counsel for the builder – Supertech Ltd., that in pursuance of the High Court's order, the subject Tower Nos. 16 and 17 have been sealed, it is directed that status quo in all respects, as existing today, in respect of these two towers (Tower Nos. 16 and 17) shall be maintained by all concerned. The builder and so also the flat purchasers shall henceforth not alienate, transfer or create any third party interest of any nature whatsoever in the subject property (Tower Nos. 16 and 17).”

Cont.2/-

Accordingly, show cause notice was issued to all the unrepresented Respondents on 15.07.2014 through registered A.D post as well as Dasti in addition also issued to the Counsel for the Petitioner on 15.07.2014 for effecting service on Respondents.

Thereafter, the I.A No. 2 (Application for directions) in SLP (c) No. 11959 of 2014 was listed before the Hon'ble Court on 04.06.2014, when the court was pleased to pass the following order:

“Issue notice to the respondents.

Learned counsel having entered appearance on behalf of the respondents state that they have no objection to the acceptance of the prayer made in I.A.No.2 of 2014. In view of the above, I.A.No. 2 of 2014 is allowed as prayed for, subject to the following conditions:

(i) The exercise of removal of articles from the premises in question shall begin on 06.06.2014 at 9.00 A.M. and continue upto 5.00 P.M. It will be open to respondent No.1 as also respondent No.3 to nominate two representatives each, to be present at the time of removal of the movable articles.

(ii) The entire process of removal of articles, shall be carried out under the supervision of Mr.Aditya Singh, Advocate, who is appointed by us, at the joint request of the learned counsel for the rival parties, as Local Commissioner.

The Local Commissioner shall draw an inventory of the articles removed from the premises on a daily basis.

(iii) The process of removal of articles, shall continue on the following two days during the same hours. In case, the entire process is not completed, the petitioner, with the permission of the Local Commissioner, can extend its activity of removal of articles by a further day.

(iv) The Local Commissioner shall be paid Rs.50,000/-(rupees fifty thousand) for every date. The said payment shall be made by the applicant-petitioner. The Local Commissioner shall submit a report of compliance, on the next date of hearing.

(v) Respondent No.3 shall de-seal and re-seal the premises in question for the implementation of the instant order.”

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The service position of the matters is as detailed below :

SLP Number	Total Respondents	Remarks
14314 & 14262 of 2014	6 (Common in both SLPs)	R-1 (common) represented through Ms. Bina Gupta, Advocate. Counter Affidavit also filed. R-3 (common) represented through Mr. Ravindra Kumar, Advocate. Counter not filed. R-6 (common) represented through Mr. R. Chandrachud, Advocate. Counter not filed. Service in respect of R-2, 4 & 5 (common) is still awaited
11959 & 12470 of 2014	5 (Common in both the SLPs)	R-1 (common) represented through Ms. Bina Gupta, Advocate. Counter Affidavit also filed. R-3 (common) represented through Mr. Ravindra Kumar, Advocate but Vakalatnama filed in SLP (C) No. 11959/2014. Counter not filed. R-4 (common) represented through Mr. R. Chandrachud, Advocate but Vakalatnama filed in SLP (C) No. 12470/2014. Counter not filed. Service in respect of R-2 & 5 (common) is still awaited

It is further submitted that Mr. Aditya Singh, Advocate Local Commissioner has on 15.07.2014 filed compliance report and the same is being circulated to the Hon'ble court.

It is further submitted that Mr. Tarun Gupta, Advocate has on 17.07.2014 filed application for Impleadment as party respondent and the same is being circulated to the Hon'ble Court.

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Service of show cause notice in respect of unserved common respondent Nos. 2, 4 & 5 in SLP (C) No. 14314 and 14262 of 2014 and common respondent Nos. 2 & 5 in SLP (C) Nos. 11959 and 12470 of 2014 is awaited as neither AD Cards nor unserved covers have been received back. Counsel for the Petitioner has not filed Affidavit of dasti service in respect of unserved respondents so far.

The matters above mentioned are listed before the Hon'ble Court with this office report.

Dated this the 19th day of July, 2014.

ASSISTANT REGISTRAR