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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% **Date of decision: 30<sup>th</sup> August, 2024**

+ CONT.CAS(C) 942/2019 and CM APPL. 42191/2021, CM APPL. 14038/2022, CM APPL. 43561/2022, CM APPL. 46325/2022, CM APPL. 47584/2024, CM APPL. 47585/2024 , CM APPL. 47587/2024, CM APPL. 49507/2024

BIMLA SACHDEV .....Petitioner

Through: Mr. Dilip Singh &amp; Mr. R. Karthik, Advs.

versus

SUBUR &amp; ANR .....Respondents

Through: Mr. Arvind Varma, Sr. Adv. along with Ms. Shobhana Takiar, Mr. Smridihi Sharma &amp; Mr. Kuljeet Singh, Advs. for R2/DDA with Mr. Prashant Sharma, Deputy Director.

**CORAM:****HON'BLE MR. JUSTICE DHARMESH SHARMA****DHARMESH SHARMA, J. (ORAL)**

1. This Court *vide* order dated 18.07.2024 decided the present Contempt Petition, holding that the respondent No.2/DDA and its officials have been guilty of wilful disobedience of the directions of this Court and should be proceeded with in accordance with Section 11 and 12 of the Contempt of Court Act, 1971, and thus, passed the following directions:

“21. Resultantly, the following directions are passed:

(i) The respondent No.2/DDA through its Vice Chairman, is directed to execute a conveyance deed in favour of the petitioner



*qua* the property bearing Plot No. A-1/1, Sector-8, Rohini, Delhi, within four weeks from today;

(ii) The entire cost of the conveyance deed including the cost of stamp papers and the registration charge shall be borne by the respondent No.2/DDA; and

(iii) Lastly, issue notice to the Vice Chairman, DDA, as also Mr. Prashant Prasad, S/o Sh. B. N. Prasad, Deputy Director (Land Disposal), LAB (Resdl.), DDA, Vikas Sadan, New Delhi, to appear before this Court in person and show cause as to why they be not punished and sentenced in accordance with law for committing contempt of this Court on 21.08.2024.

22. Renotify for compliance report to be submitted by respondent No.2/DDA and for personal appearance of the Vice Chairman and Mr. Prashant Prasad, S/o Sh. B. N. Prasad, Deputy Director (Land Disposal), LAB (Resdl.), DDA, Vikas Sadan, New Delhi, for hearing them on sentence on 30.08.2024.”

2. Pursuant to the aforesaid notices, both the Contemnors have tendered their unconditional apologies along with their respective affidavits.

3. Further, it is also brought to the fore that the directions of this Court in terms of Judgment dated 04.02.2019 in W.P. (C) No. 12172/2016 and CM APPLs. 48057/2016, 15579/2018 and order dated 18.07.2024 in CONT CAS (C) 942/2019 have since been complied with.

4. The result is that the Conveyance Deed has already been executed in favour of the petitioner on 02.08.2024, and the Stamp Duty amounting to Rs. 6,58,036/- has also been paid by the respondent No.2/DDA.

5. Mr. Prashant Prasad, who has since been transferred to the office of Election Commission of India, is also present through video conferencing and expresses regret for the inaction on the part of the



DDA. Therefore, this Court accepts the apology tendered by Mr. Prashant Prasad.

6. This Court has also considered the unconditional apology tendered by the Vice Chairman, DDA.

7. In light of the fact that the directions of this Court have been complied with, and having no doubts regarding the sincerity and bona fides of the Vice Chairman, DDA in tendering an unconditional apology, which is hereby principally accepted, this case nonetheless warrants a different form of punishment, figuratively speaking.

8. Having regard to the brief experience gained by this Court while presiding over this Roster, it is imperative that certain directions be issued to the DDA to chalk out a roadmap for resolving disputes in an amicable and timely manner. This can be achieved by engaging their officials in open-minded and fair negotiations. In the present scenario of docket explosion, the DDA should adopt a solution-oriented approach to address the concerns of its customers and litigants, rather than confounding them with technical and/or hegemonistic attitudes of its officials. Such a disposition leads in unnecessary and prolonged litigations, entailing huge costs, wasting time and efforts, and a detrimental impact on the justice delivery system.

9. There have been numerous directions from the Supreme Court, as well as voices from legal pundits that government departments, such as the DDA, which is one of the largest litigants in this Court, must ensure that unnecessary or unwanted litigations are not filed in Courts. If litigation is initiated, the mechanism for redressal of



grievances should be robust enough to ensure resolution in an amicable, legal, and practicable manner. Adopting such an approach would enhance the DDA's standing and credibility. Without generalizing, it appears that several matters – both long-pending and newly filed- show the DDA on the wrong foot due to a lack of clarity regarding the implications of relevant legal provisions, despite ample case laws supporting them.

10. Thus, this Court calls upon the Vice Chairman, DDA to comply with the following directions:

a) Each Advocate on the panel of the DDA in the High Court of Delhi shall be called upon to identify, for now, at least ten cases where issues in pending matters can be narrowed down and resolved amicably, particularly regarding:

- (i) Mutation and/or demarcation of properties;
- (ii) Matters involving conversion from leasehold to freehold, including issues pertaining to the unearned increase;
- (iii) Allotment of flats or plots, where there has been no reasonable delay in payment by the allottees; or the DDA officials have defaulted in giving proper notices;
- (iv) Issues concerning unauthorized constructions and/ deviations from the sanctioned plan that are compoundable in nature.

11. The aforementioned matters are illustrative, and there may be other types of cases where amicable solutions can be found through negotiations with the concerned parties. Accordingly, it is directed that, upon identification of such cases by the panel lawyers, each of them may be called upon to submit their recommendations in a



confidential manner, in a sealed cover, to be opened and dealt with by a Review Committee. This committee shall be constituted by the Vice Chairman and shall comprise:

- A Senior Panel Lawyer
- The Chief Law Officer
- A Senior Officer nominated by the Vice Chairman, with experience in litigation

12. The Review Committee may invite/solicit inputs from officials of various departments, scrutinize them, and consider matters for resolution through Lok Adalats or the Delhi High Court Mediation & Conciliation Centre. Meetings shall be held regularly, either weekly or fortnightly.

13. As a punishment in these contempt proceedings, the contemnor is directed to constitute a Review Committee by September 4, 2024. The Committee shall invite inputs from Panel Lawyers by September 7, 2024, and shall hold daily meetings for at least one hour from September 9, 2024. The Committee must then submit a final proposal for amicable dispute resolution, case-wise, to the Secretary, Delhi High Court Legal Services Committee, by September 12, 2024. Upon submission, the matters may be taken up, after notice to the parties, in the ensuing Lok Adalat on September 14, 2024. The Review Committee meetings be held on a regular basis every week, after 14<sup>th</sup> September, 2024.

14. It is clarified that the aforementioned directions constitute an ongoing process. Emphasizing quality over quantity, the focus is on qualitative references rather than the number of referrals. In cases



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where referral to Lok Adalat is not feasible, or if ongoing negotiations result in a spill-over of cases, or if notice to concerned parties/litigants is lacking, or for any other administrative reason, the Review Committee may refer matters for amicable resolution to the Judge-in-charge, Delhi High Court Mediation and Conciliation Centre. This approach facilitates further negotiations to achieve a mutually satisfactory resolution. A balance sheet shall be compiled at the end of each successive month to analyze the referrals and settlements reached between parties.

15. A Compliance Report be filed before this Court on 13.09.2024. Matter be placed in the supplementary list.

16. A copy of this order be sent to the learned Secretary, Delhi High Court Legal Services Committed, as well as to the In-charge, Delhi High Court Mediation & Conciliation Centre for information and appropriate measures for making Alternate disputes resolution more effective and result oriented.

**DHARMESH SHARMA, J.**

**AUGUST 30, 2024**

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