

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 8596 OF 2017

(Arising out of SLP (C) No. 15784 of 2014)

SANGEETA

Appellant(s)

VERSUS

STATE OF U.P AND ORS.

Respondent(s)

O R D E R

1) Leave granted.

2) It appears that on the facts of this case flat No. 4, GF, Block A-11, Sector-71, Noida was allotted way back on 01.01.2001 to the appellant before us in the EWS category by the New Okhla Industrial Development Authority (for short 'the Authority'). Possession was handed over one year later and ultimately the entire amount of Rs. 1.63 lakhs was deposited in June, 2006. The Authority states that a lease deed ought to have been obtained by the appellant, which was not obtained at any point of time, and as a result a penalty of at least Rs. 65,000/- ought to be imposed.

3) The appellant approached the High Court of Allahabad by way of a Writ Petition in the year 2009, and by an order dated 12.04.2012, the appellant was ordered to make a representation to the Authority, which would then be considered by the Authority. The Authority rejected the representation made on 28.08.2012, stating that, as no stamp paper was purchased, no sympathetic consideration need be given and in any case penalty

being ongoing should be paid not merely up to the date of writ petition but even thereafter. In a fresh writ petition filed against the said order, the High Court, by the impugned order dated 25.02.2014, dismissed the aforesaid writ petition.

4) Having gone through the impugned judgment and order as well as having heard learned counsel for the parties, it appears to us that on the facts of this case, no penalty ought to be imposed given the fact that the entire payment had been made way back in the year 2006, and that the petitioner appears to be a house maid; as also that the category of flat is for the economically weaker sections.

5) We, therefore, set aside the judgment and order passed by the High Court and allow the appeal.

6) We direct the Authority to execute the lease deed within a period of eight weeks from today.

..... J.  
(ROHINTON FALI NARIMAN)

..... J.  
(SANJAY KISHAN KAUL)

New Delhi;  
July 04, 2017.

ITEM NO.5

COURT NO.12

SECTION XI

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 15784/2014

(Arising out of impugned final judgment and order dated 25-02-2014 in WC No. 11817/2014 passed by the High Court of Judicature at Allahabad)

SANGEETA

Petitioner(s)

VERSUS

STATE OF U.P AND ORS.

Respondent(s)

Date : 04-07-2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

For Petitioner(s) Mr. Pramod Dayal, AOR  
Mr. Nikunj Dayal, Adv.  
Ms. Payal Dayal, Adv.

For Respondent(s) Ms. Alka Agarwal, Adv.  
Mr. Anuvrat Sharma, AOR  
Ms. Alka Sinha, Adv.

Mr. Ravindra Kumar, AOR

UPON hearing the counsel the Court made the following  
O R D E R

Leave granted.

The judgment and order passed by the High Court is set aside and the appeal is allowed in terms of the signed order.

The Authority is directed to execute the lease deed within a period of eight weeks from today.

(R. NATARAJAN)  
COURT MASTER

(SAROJ KUMARI GAUR)  
COURT MASTER

(Signed order is placed on the file)