

IN THE SUPREME COURT OF INDIA  
INHERENT JURISDICTION

CONTEMPT PETITION (CIVIL) NO. 626 OF 2020

IN

SPECIAL LEAVE PETITION (C) NO.19574/2019

NEHRU PLACE HOTELS AND REAL ESTATE PVT. LTD. PETITIONER(S)

VERSUS

APOORVA KUMAR SINGH & ANR.

RESPONDENT(S)/  
ALLEGED CONTEMNOR(S)

O R D E R

The petitioner was allotted Institutional Plot No.87 in Sector 32, Gurgaon. A conveyance deed was executed by Respondent No.2 in favour of the petitioner. The petitioner sought permission for transfer of the said plot which was rejected on 28.05.2016. The petitioner approached the High Court of Punjab and Haryana challenging the decision of the Chief Administrator, Haryana Urban Development Authority by which the permission sought by the petitioner was refused. On 31.07.2018, the High Court directed the respondents/alleged contemnors to reconsider the request of the petitioner for transfer of the plot in light of the judgment of this Court in Andhra Pradesh Industrial Infrastructure Corporation Ltd.

Vs. S.N. Raj Kumar (2018) 6 SCC 410.

On 18.03.2019, an Order was passed by the Chief Administrator, Haryana Shahri Vikas Pradhikaran (formerly known as Haryana Urban Development Authority), Panchkula reiterating the earlier decision that the petitioner cannot be permitted to transfer the plot. The petitioner filed a writ petition assailing the said order dated 18.03.2019. The High Court, by its judgment dated 18.07.2019, allowed the writ petition and directed the concerned authority to reconsider and pass a fresh order. In the said judgment, the High Court found that the terms of allotment and brochure inviting applications would apply only till the entire consideration was paid and a conveyance deed was executed. The High Court further observed that reliance placed on the letter of allotment by the authority is misconceived. The judgment of the High Court dated 18.07.2019 was upheld by this Court on 15.10.2019, though remarks made against Shri D. Suresh were expunged and the cost imposed on him was waived. This Court affirmed the direction given by the High Court that the request made by the petitioner for transfer of the plot should be reconsidered.

This Contempt Petition has been filed by the petitioner complaining of wilful disobedience of the judgment of the High Court which merged with the order passed by this Court. The petitioners contend that the respondents failed to consider the request for transfer of the plot as per the directions given by the High Court.

We are informed by the respondents that an order was passed on 06.10.2020 in compliance of the directions issued by the High Court in its judgment dated 18.07.2019. In view thereof, the respondents sought dismissal of this Contempt Petition.

Mr. Jayant Bhushan, learned senior counsel appearing for the petitioner, took us through the judgment of the High court and the order passed by the respondents on 06.10.2020 to argue that the authority has not followed the directions issued by the High Court in its entirety. By the order dated 06.10.2020, transfer of institutional plot has been permitted, subject to payment of 50% of the difference between allotted rate and prevailing collector rate of that area. He submitted that it was made clear by the High Court that no reliance can be placed on the allotment

letter after deed of conveyance has been executed. The conditions imposed for payment of 50% of the difference between allotted rate and prevailing collector rate of that area is contrary to the deed of conveyance.

The order dated 06.10.2020 is pursuant to the judgment of the High Court directing reconsideration of the request of the Petitioner for transfer of the Plot. The imposition of a condition for transfer can be subject matter of a proceeding that the Petitioner may initiate in an appropriate forum. However, it cannot be said that there is any wilful disobedience of the direction issued by this Court.

Therefore, the Contempt petition is dismissed. Needless to say, that we have not expressed any view on the legality of the order dated 06.10.2020. Pending application(s), if any, shall stand disposed of.

.....J  
( L.NAGESWARA RAO )

.....J  
( B.R. GAVAI )

NEW DELHI;  
25<sup>th</sup> AUGUST, 2021

ITEM NO.8                      Court 5 (Video Conferencing)                      SECTION IV-B

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

CONMT.PET.(C) No.626/2020 in SLP(C) No.19574/2019

NEHRU PLACE HOTELS AND REAL ESTATE PVT. LTD.                      Petitioner(s)

VERSUS

MR. APOORVA KUMAR SINGH & ANR.                      Respondent(s)/  
Alleged Contemnor(S)

Date : 25-08-2021 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO  
HON'BLE MR. JUSTICE B.R. GAVAI

For Petitioner(s)      Mr. Jayant Bhushan, Sr. Adv  
                                 Ms. Malini Sud, Adv.  
                                 Mr. Vikas Mishra, Adv.  
                                 Mr. Sanjeev Ailawadi, Adv.  
                                 Ms. B. Vijayalakshmi Menon, AOR

For Respondent(s)      Mr. Anil Grover ,Sr. Adv./AAG  
                                 Ms. Noopur Singhal, Adv.  
                                 Mr. Rahul Khurana, Adv.  
                                 Mr. Satish Kumar, Adv.  
                                 Mr. Sanjay Kumar Visen, AOR

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

The contempt petition is dismissed in terms of  
the Signed Order. Pending application(s), if any,  
shall stand disposed of.

(Geeta Ahuja)  
Court Master

(Anand Prakash)  
Court Master

(Signed Order is placed on the file)