

Mr. Satish Kumar, Adv.
Mr. Sanjay Kr. Visen, AOR

Ms. Preetika Dwivedi, AOR

Mr. Kamini Jaiswal, AOR
Mr. R.S. Bains, Adv.
Ms. Rani Mishra, Adv.
Ms. Aditya Pandey, Adv.

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

During the course of its judgment, the High Court referred to the promise given in the Brochure issued in 1998 in respect of amenities and facilities as under:

"Amenities and facilities

24 hour water supply with 100% power back-up Round-the-clock 3 Tier Security System with CCTVs and intercom. Cables, internet and Telephone wiring. One live telephone line with connection in every apartment. Club House with recreational facilities including indoor Badminton, Squash & TT courts, Gym, Billiard Room and Swimming Pool. Recreation space even for drivers. High speed elevators. Multi-level covered parking. More than 80% area reserved for open and community services. Total landscape surrounded by water falls, fountains and lagoons. Fully developed water body/channel for recreational facilities and recycling of water. Hassle-free property management services. Optimum space utilisation."

Mr. Harish Salve, learned Senior Advocate appearing in support of the petition submitted inter alia;

(1) The finding rendered by the High Court that there was no Layout plan was incorrect and as a matter of fact the Layout plan was filed on 13.03.1995.

(2) The licence issued to his client (page 191 of the Additional Documents) also referred to all the necessary

particulars.

(3) The Agreement entered into with individual flat buyers, also referred to the area that would be developed by his client as 10.98 acres.

The petitioner is directed to place on record a copy of the Layout Plan as was submitted on 13.03.1995 as well as a copy of the Brochure and indicate with clarity the areas which are supposed to be earmarked for the amenities and facilities, before the next date of hearing.

Ms. Kamini Jaiswal, learned advocate appearing for contesting respondents on caveat submitted that the original brochure issued by the builder was not placed on record and that the brochure gave an unequivocal promise about certain amenities and facilities.

Ms. Jaiswal is at liberty to file such documents on which she wishes to place reliance.

In the meantime, no coercive steps be take by any of the authorities.

List for further consideration on 26.10.2020.

(INDU MARWAH)
COURT MASTER (SH)

(PRADEEP KUMAR)
BRANCH OFFICER