

IN THE SUPREME COURT OF INDIA

INHERENT JURISDICTION

REVIEW PETITION (CIVIL) NO. _____ OF 2019
(ARISING OUT OF DIARY NO.24066 OF 2019)
IN
CIVIL APPEAL NO.4801 OF 2019*

M/s. IREO VICTORY VALLEY PVT. LTD.

Petitioner

VERSUS

SHAMSHUL HODA KHAN

Respondent

O R D E R

Delay in filing the review petition is condoned.

The principal submission raised in the review petition is on the basis of Section 15(1) of the Haryana Fire Service Act, 2009. It is submitted that the construction of a building could only begin after the Fire Scheme was approved by the concerned authority and as the Fire Safety Scheme in the present case was approved on 28.10.2013 the period ought to be reckoned from that date.

The submission was dealt with by the National Commission and the relevant portion from para 10 was as under:

“It is an admitted position that the opposite party had been raising demand based upon the stage of construction even prior to 28.10.2013 when the first fire safety clearance came to be issued. The payment plan agreed between the parties envisaged payment of the 3rd instalment on commencement of excavation, 4th on casting of basement roof slab and the 5th on casting of ground floor roof slab. The 6th instalment was payable on casting of 3rd floor roof slab. It is an admitted position that even the 4th

instalment which was payable on casting of basement roof slab was demanded on 5.2.2013. The 5th and 6th instalments were demanded on 21.3.2013 and 18.9.2013 respectively. Admittedly, the fire safety clearance had not been received by that time."

In view of the circumstances on record this Court refused to interfere and dismissed the civil appeal.

We have gone through the review petition and do not find any substance in the submissions raised therein. This review petition is, therefore, dismissed.

.....J.
[UDAY UMESH LALIT]

.....J.
[SANJAY KISHAN KAUL]

NEW DELHI;
OCTOBER 15, 2019

ITEM NO.1001

CORRECTED*
SECTION XVII**S U P R E M E C O U R T O F I N D I A**
RECORD OF PROCEEDINGS

REVIEW PETITION (CIVIL) Diary No.24066/2019

(Arising out of impugned final judgment and order dated 03-05-2019
in C.A. No.4801/2019 passed by the Supreme Court Of India)

M/S IREO VICTORY VALLEY PVT. LTD

Petitioner(s)

VERSUS

SHAMSHUL HODA KHAN

Respondent(s)

(IA No.99740/2019 - FOR CONDONATION OF DELAY IN FILING REVIEW
PETITION; and, IA No.99742/2019 - FOR EXEMPTION FROM FILING O.T.)

Date : 15-10-2019 This matter was circulated today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT
HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

By Circulation

UPON perusing papers the Court made the following
O R D E R

Delay condoned.

The review petition is dismissed, in terms of the signed
order.

Pending application(s), if any, shall stand disposed of.

(MUKESH NASA)
COURT MASTER(SUMAN JAIN)
BRANCH OFFICER

(Signed order is placed on the File)