

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.4162-4163 OF 2022
(Arising out of SLP(C) Nos.10067-10068 of 2020)

UNION OF INDIA & ANR. . . . APPELLANTS

VERSUS

BUDDHA TRI-RATNA MISSION & ANR. . . . RESPONDENTS

O R D E R

Leave granted.

This appeal challenges the order dated 23.01.2020 passed by the High Court of Delhi at New Delhi in L.P.A. No.660/2019 and C.M. No.45005/2019.

The instant proceedings have their genesis in the allotment of a plot of land admeasuring about half an acre in Chittaranjan Park area of New Delhi in favour of the respondents herein. The value of the plot was assessed at Rs.80 lakhs per acre as premium and 2.5% thereof as Annual Ground rent at the time of allotment. The respondents did not pay the dues in time which led to various rounds of litigation and suffice it to say that in its order dated 30.08.2001 passed by the Division Bench of the High Court,

following observations were made touching upon the amounts that were due and about the manner in which the amounts could be made over by the respondents.

"Learned counsel for respondent no.2 states that as on date a sum of Rs.40,99,163/- is due from the appellant to the L & D0. He further says that the appellant is permitted to pay the aforesaid amount in four quarterly instalments along with interest at the rate of 12% p.a. Learned counsel for the appellant points out that the appellant has already paid a sum of Rs.10,50,000/- to the L & D.O. Responding to the statement of learned counsel for the appellant, learned counsel for the respondent states whatever sum has been paid by the appellant shall be adjusted against the sum of Rs.40,99,163/-."

Thereafter, while disposing of Civil Appeal No.4889 of 2002 which arose out of the aforestated order of the Division Bench, this Court observed:

"... However, after dismissing the appeal, the Division Bench had further issued a notice to the Land and Development Officer and Delhi Development Authority which was confined to the aspect of deposit of balance amount. It appears from the said order that a sum of Rs.10,50,000/- was already deposited as per direction of the High Court and accordingly there was a stay of cancellation of allotment of land in favour of the appellant. It was further directed that till the next date of hearing, the respondent would not cancel the allotment of the land in favour of the appellant. After the leave was granted on 9th of August, 2002, this Court directed, as an interim measure, the parties to maintain status quo till the disposal of the appeal. This interim order of status quo is still continuing.

3. After hearing learned counsel for the parties and after considering the fact that Rs.10,50,000/- had been deposited as per direction of the Delhi High Court and that the status quo order was granted by this Court in the year 2002, we only direct that if the appellant deposits the balance amount, if not already deposited in the High Court, within two months from the date of supply of a copy of this order, the respondents shall not cancel the allotment of the land made in favour of the appellant if cancellation of the allotment of the land in favour of the appellant has not already been done by the Delhi Development Authority and others."

The respondents thereafter initiated proceedings before the National Commission for Minorities, which need not be referred to in detail.

We are presently concerned with one more round of litigation initiated at the instance of the respondents. While entertaining L.P.A No.660 of 2019 in the instant round, the Division Bench of the High Court by its order dated 23.01.2020, which is presently under challenge, entertained the appeal and by way of interim protection, directed as under:

"5. In the meantime, having regard to the fact that the respondents/Society has deposited a sum of Rs.50,99,163/- with the appellants towards the price of the parcel of land, it is directed that without prejudice to the respective rights and contentions of the parties and subject to the outcome of this appeal, the appellants/

UOI shall hand over possession of the subject plot to the respondents/Society, on or before 04.02.2020. Compliance report shall be filed by the appellants/UOI within one week thereafter."

We have heard Mr. N. Venkataraman, learned Additional Solicitor General in support of the instant appeal and Mr.Sanobar Ali, learned Advocate for the respondents.

Insofar as the present dues are concerned, an additional affidavit has been filed on behalf of the appellants computing all the dues as on 31.05.2022.

Paragraphs 5, 6 and 7 of the affidavit are as under:

"5. Thereafter the Respondent society paid the total Principal/Premium amount on various dates, without paying the interest on the delay on the premium amount, as directed by the Hon'ble Division Bench of the High Court. The details of the premium amount made by the Respondent Society on various dates along with its interest of 12% are as under:

S. No.	Particulars	Amount
01	Total Amount demanded on 12.5.1997 (Principal/Premium Amount)	Rs.40,99,163/-
02	Amount paid on 17.6.1997	Rs.50,000/-
03	Balance amount due on 14.4.1998	Rs.40,49,163/-
04	Amount paid on 15.04.1998	Rs.10,00,000/-

05	As per court order 12% interest w.e.f. 12.5.97 to 14.04.1998 on Rs.40,49,163/- (Principal/Premium amt.)	Rs.4,49,956/-
06	Balance amount due on 15.4.1998	Rs.30,49,163.00/-
07	Amount paid on 17.9.2008	Rs.20,00,000/-
08	12% interest on Rs.30,49,163/- w.e.f. 15.04.1998 to 16.09.2008	Rs.38,14,378/-
09	Balance amount due on 17.09.2008	Rs.10,49,163/-
10	Amount paid on 26.09.2008	Rs.10,49,163/-
11	12% interest on Rs.10,49,163/- w.e.f. 17.09.2008 to 25.09.2008	Rs.3104/-
12	Remaining interest amount due (Rs.4,49,956/- + Rs.38,14,378/-+Rs.3104/-)	Rs.42,67,438/-

It is relevant to mention herein that as per the above produced chart it is very clear that the Respondent Society has paid the Principal/Premium amount, without paying the interest on the delay on the Principal/Premium amount, as directed by the Hon'ble Division Bench of High Court.

6. That apart from the Principal/Premium amount and the interest reckoned on the delay on the payment of the Principal/Premium amount, the Respondent society as per the allotment letter is liable to pay/deposit the ground rent of the allotted portion of land measuring about 2023 sq. mtrs. situated in Chittaranjan Park, New Delhi. It is pertinent to mention herein that as per the allotment letter No.L-II-1 (845)/97/180 dated 12.05.1997, issued in favour of the

Respondent society, it is clearly stated that the allotment of the land is subject to certain terms and conditions which includes the payment of the annual ground rent along with the Principal/Premium amount. Hence in light of the allotment letter dated 12.05.1997, the Respondent society is liable to deposit/pay the annual ground rent as specifically mentioned in the said allotment letter.

A True Copy of allotment letter No.L-II-I (845/97/180 dated 12.05.1997, issued in the favour of the Respondent society is annexed and marked as Annexure A-1.

Further along with the actual annual ground rent, the Respondent Society is further liable to pay/deposit the interest on the annual ground rent. It is pertinent to mention herein that as per the circular No.24(2)/75-CDN dated 20.11.1975 issued by the Petitioner Department regarding the levy of interest on ground rent/additional ground rent and other dues, the Respondent Society is liable to pay the interest of @ 10% on the actual annual ground rent, as the land was allotted post 1975.

A true Copy of the circular No.24(2)/75-CDN dated 20.11.1975 issued by the Petitioner Department regarding the levy of interest on ground rent/additional ground rent and other dues, is annexed and marked as Annexure-A-2.

That the ground rent and the interest on the ground rent to be paid by the Respondent society is produced below in the form of a chart:

S, No.	Particulars	Amount
01	Grounds Rent w.e.f. 12.5.1998 to 11.05.2008 @ Rs.99979/- PA	Rs.9,99,790/-
02	Amount paid on 19.11.2014	Rs.10,00,000/-

03	Interest @ 10% PA on Rs.999790/- w.e.f. 12.05.98 to 18.11.2014	Rs.11,77,082/-
04	Ground Rent w.e.f. 12.05.2008 to 14.07.2022 @ Rs.99979/- PA	Rs.14,17,237/-
05	Interest @ 10% PA w.e.f. 12.05.2008 to 31.05.2022	Rs.10,22,552/-
06	Total due towards ground rent and the interest thereon	Rs.36,16,661.00

It is submitted that till date the total dues on the ground rent and the interest on the same is Rs.36,16,661/-.

7. Hence the total dues including the 12% interest on the delay on the Principal/Premium amount + the ground rent along with the 10% interest on the ground rent as on 31.5.2022 is Rs.78,84,099/-. It is respectfully submitted that the original computation was calculated as Rs.1,18,17,617/- (including interest on interest) and now the Petitioner department has re-calculated the dues, excluding the interest on interest - which comes to Rs.78,84,099/- as on 31.5.2022. The computation on interest on interest happened while issuing the third demand notice dated 09.11.2017 and not earlier and the same has been re-calculated now excluding the interest on interest."

In our view, the stand taken by the appellants is quite reasonable and the figure of Rs.78,84,099/- arrived at in paragraph 7 of the affidavit represents true and correct computation consistent with the policy and the relevant principles.

In the circumstances, we direct as under:

- (a) The amount of Rs.78,84,099/- shall remain frozen till 31.08.2022, within which time the respondents shall deposit the said sum of Rs.78,84,099/- with the appellants.
- (b) If the amount is so deposited within the time stipulated, all requisite formalities and documentation shall be complied with and entered into and possession of the plot shall be handed over to the respondents.
- (c) In case the amount is not so deposited within the stipulated time, the dues shall cease to be frozen. In effect, the interest will be chargeable from 01.06.2022. The appellants shall, however, be at liberty to consider whether the allotment in favour of the respondents is required to be cancelled and the plot of land can be utilized for any other public purpose.
- d) Since, we have passed the instant directions which will put an end to the litigation, L.P.A. No.660 of 2019 which is presently pending before the Division Bench of the High

Court, shall stand disposed of in terms of this order.

- e) All pending applications including contempt petition, if any, also stand disposed of.

With these observations, the Civil Appeals are disposed of without any order as to costs.

.....J.
(UDAY UMESH LALIT)

.....J.
(S. RAVINDRA BHAT)

.....J.
(SUDHANSHU DHULIA)

New Delhi,
May 19, 2022.