

ITEM NO.10 Court 4 (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

Petition(s) for Special Leave to Appeal (C) No(s). 11480/2020

(Arising out of impugned final judgment and order dated 10-07-2020 in WPC No. 20330/2015 passed by the High Court Of Punjab & Haryana At Chandigarh)

RAJ SINGH GEHLOT & ORS.

Petitioner(s)

VERSUS

AMITABHA SEN & ORS.

Respondent(s)

(FOR ADMISSION and I.R.

IA No. 96760/2020 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

IA No. 96242/2020 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

IA No. 96240/2020 - PERMISSION TO FILE LENGTHY LIST OF DATES

IA No. 96241/2020 - PERMISSION TO PLACE ADDITIONAL FACTS AND GROUNDS

IA No. 96746/2020 - PERMISSION TO PLACE ON RECORD SUBSEQUENT FACTS)

Date : 08-10-2020 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT

HON'BLE MR. JUSTICE VINEET SARAN

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

For Petitioner(s) Mr. Harish Salve, Sr. Adv.  
Mr. Mukul Rohatgi, Sr. Adv.  
Ms. Ruby Singh Ahuja, Adv.  
Mr. P.K. Agrawal, Adv.  
Ms. Deepti Sarin, Adv.  
Mr. Vishal Gehrana, Adv.  
Mr. Vasu Singh, Adv.  
Ms. Tannya Sharma, Adv.  
Ms. Deepti Gupta, Adv.  
M/S. Karanjawala & Co., AOR

For Respondent(s) Mr. Anil Grover, Sr. AAG, Haryana  
Ms. Noopur Singhal, Adv.  
Mr. Rahul Khurana, Adv.

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