

ITEM NO.59

COURT NO.8

SECTION XVII

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

Civil Appeal No(s). 13301/2015

SUBRATA BHATTACHARYA

Appellant(s)

VERSUS

SECURITIES AND EXCHANGE BOARD OF INDIA & ORS.

Respondent(s)

(IA 75361/2017,26147/2018)

(Only I.A. Nos. 26147/2018 and 75361/2017 in CA No. 13301/2015 are listed)

Date : 25-03-2019 These matters were called on for hearing today.

CORAM : HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE HEMANT GUPTA

For Appellant(s)

Mr. Jai Dehadrai, Adv.
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Mr. Prashant, Adv.
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For Respondent(s)

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Rohini Prasad Ziwari, Adv.

Ms. Anjani Kumar Mishra, Adv.

Mr. C.M. Patel, Adv.

Ms. Geetanjali Mehlwal, Adv.

Dr. R. Chingale, Adv.

Mr. Sanveer Mehlwal, Adv.

Mr. Rajinder Kumar Singh, Adv.

Mr. Hitesh Kumar Sharma, Adv.

Mr. S.K. Rajora, Adv.

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

IA 75361/2017 and 26147/2018

Mr. R.S. Suri, learned senior counsel appearing on behalf of the applicant states that in pursuance of the order dated 15 November 2017 passed by this Court in I.A. No. 75361/2017, the

applicant has taken the possession of flat No. 1 and Flat No. 1A situated on 7th Floor of Dr. Gopal Das Bhawan, 28, Barakhamba Road, New Delhi - 110 001.

The grievance which has been urged before this Court is that the applicant is unable to secure access to the lift on the seventh floor and it is apprehended that this is in pursuance of a direction which may have been issued by the Justice Lodha Committee.

Learned counsel appearing on behalf of the SEBI has resisted the submission stating that no such direction has been issued. This is evident from the letter dated 6 May 2016 addressed by the Committee to the applicant. Learned counsel states that the reason for the denial of access to the lift by the owners may be the non-payment of maintenance charges.

We find no merit in the grievance of the applicant. Be that as it may, from the record it also emerges that in pursuance of an order passed by this Court on 6 September 2016, the applicant has instituted a suit before the Delhi High Court being C.S.(O.S.) No. 71 of 2017.

If the applicant has any grievance in respect of the unavailability of the lift facility, it is open for him to pursue such remedies as are available in law. We are not inclined to issue any direction.

The Interlocutory Applications are accordingly, dismissed.

(MANISH SETHI)
COURT MASTER (SH)

(SAROJ KUMARI GAUR)
BRANCH OFFICER