

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

I.A. No. 1

in

Civil Appeal No. 5292 of 2008

NDMC & others

... Appellants

Versus

M/s Tanvi Trading
& Credit Pvt. Ltd. & Others

... Respondents

With

I.A. No. 1

In

Civil Appeal No. 5293 of 2008

Union of India

... Appellants

Versus

M/s Tanvi Trading
& Credit Pvt. Ltd. & Others

... Respondents

ORDER

1. By filing these applications, the applicants have prayed to clarify the concept of 'mother plot' and of

the word 'adjoining' appearing in LBZ guidelines dated February 08, 1988 so that fresh plans can be submitted by them to the NDMC in accordance with law and strictly within the four corners of judgment dated August 28, 2008 rendered by this Court in Civil Appeal No. 5292 of 2008 and Civil Appeal No. 5293 of 2008.

2. The Learned Counsel for applicants submitted that applicants are proposing to construct only a building with two storeys (ground and first floor) in the plot in question which will not exceed the height of the buildings on either side, on Amrita Shergil Marg.

From the record of the case, it is evident that Plot No. 47 belonging to the applicants faces Amrita Shergil Marg. From the decision rendered in Civil Appeal Nos.5292-5293 of 2008, it is clear that the concept of 'mother plot' would not be applicable so far as Plot No.

47 is concerned because of bifurcation of original plot which had taken place pursuant to a decree of Court. In the judgment which is sought to be clarified, it is held that even if the concept of 'mother plot' is not made applicable to the facts of the case, the appellants would be entitled to construct a building of the height of the bungalow which is the lowest on the adjoining plots. It is also clear from the clarification relating to the LBZ guidelines issued on 09.05.1997, that to have uniformity, the height of the main building on the adjoining plots on Amrita Shergil Marg will have to be taken into consideration and not of any building on a different road, that is Prithvi Raj Road which is on the rear of the plot in question.

3. With the above clarification, the application is disposed of accordingly.

.....CJI
(K.G. BALAKRISHNAN)

.....J.
(R.V. RAVEENDRAN)

.....J.
(J.M. PANCHAL)

NEW DELHI
February 20, 2009.