

ITEM NO.12

COURT NO.1

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). 5016/2016

MANTRI TECHNOZE PVT. LTD.

Appellant(s)

VERSUS

FORWARD FOUNDATION & ORS.

Respondent(s)

WITH

C.A. D 16939/2016

(With appln.(s) for permission to file appeal and Office Report)

Date : 12/05/2016 These appeals were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MRS. JUSTICE R. BANUMATHI

For Appellant(s)

Mr. R. Venkataramani, Sr. Adv.
Mr. Dushyant Dave, Sr. Adv.
Mr. Shekhar Devasa, Adv.
Mr. Manish Tiwari, Adv.
Mr. Yashraj Singh Bundela, Adv.
Ms. Neelam Singh, Adv.
Mr. S. Mahesh, Adv.
Mr. K.V. Bhuvanendra, Adv.
Mr. Anup Kumar, Adv.

Mr. K.K. Venugopal, Sr. Adv.
Mr. S.Kiran Shetty, Sr. Adv.
Mr. Rohit Bhat, Adv.
Mr. Kush Chaturvedi, Adv.

For Respondent(s)

Mr. H.N. Salve, Sr. Adv.
Mr. Mahesh Agarwal, Adv.
Mr. Rishabh Parikh, Adv.
Mr. E.C.Agrawala, Adv.

(For R.No.14 & 15
In CAD No.16939
of 2016)

Mr. H.N. Salve, Sr. Adv.
Mr. Praveen Sehrawat, Adv.
Mr. Saransh Jain, Adv.

(R.No.1,2 & 3
In CA No.5016)

Mr. Arvind Datar, Sr. Adv.
Mr. E.C. Agrawala, Adv.

in 2016) Mr. Mahesh Agarwal, Adv.
Mr. Rishabh Parikh, Adv.

(R.No.12 & 13) Mr. Arvind Datar, Sr.Adv.
IN CA No.5016 Mr. Praveen Sehrawat, Adv.
In 2016) Mr. Saransh Jain, Adv.
Mr. O.P. Bhadani, Adv.

Ms. Anita Shenoy, Adv.

Mr. Devashish Bharuka, Adv.

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

Civil Appeal No.5016 of 2016

Issue notice.

Mr.Rishabh Parikh, learned counsel accepts notice on behalf of respondent No.1 to 3, 12 and 13.

Ms. Anita Shenoy, learned counsel accepts notice on behalf of respondent No.4 and 6 to 11. She shall take instructions for filing counter affidavit on behalf of the said respondents. Since some of the said respondents may choose to engage a counsel of their own choice we direct simultaneous issue of notice for service upon the said respondents dasti.

Issue of notice to the remaining respondents is dispensed with for the present.

Counter affidavit be filed within four weeks. Rejoinder affidavit, if any, within two weeks thereafter.

Mr. R. Venkataramani, learned senior counsel for the petitioner company submits that although the company had been permitted to resume its construction activities in terms of the order passed by the Tribunal it has not chosen to do so. He further states that the extent of 3 acres and 10 guntas of land referred to in the impugned order passed by the Tribunal is not

actually in the occupation of the petitioner company and that the petitioner company has no objection to the possession of the said 3 acres and 10 guntas of land being taken over by the competent authority. He has also no objection to the removal of any building standing on the said extent of land. In that view therefore we permit the competent authority to take over the possession of the extent of 3 acres and 10 guntas of land referred to in the order passed by the Tribunal and allegedly in possession of the petitioner company. We also permit the competent authority to remove/demolish any construction put up on the said extent of land. Keeping in view the fact that if the petitioner company has not resumed its construction activity so far, we direct that it shall maintain status quo on the spot.

Operation of the impugned order in so far as it directs award of a monetary compensation of Rs.117.35 crores shall however remain stayed until further orders.

List for further orders on 12.07.2016.

Civil Appeal D.No.16939/2016

The appeal is dismissed as withdrawn with the liberty prayed for in terms of the signed order.

(Ashok Raj Singh)
Court Master

(Veena Khera)
Court Master

(Signed Order is placed in the file)

IN THE SUPREME COURT OF INDIA
 CIVIL APPELLATE JURISDICTION
CIVIL APPEAL D.NO.16939/2016

CONFEDERATION OF REAL ESTATE
 DEVELOPERS' ASSOCIATION OF
 INDIA-KARNATAKA AND ORS.

...APPELLANTS

VERSUS

THE FORWARD FOUNDATION AND ORS.

...RESPONDENTS

O R D E R

Mr. K.K. Venugopal, learned senior counsel seeks leave to withdraw this appeal reserving liberty for the individual members affected by the impugned orders to file individual cases.

The appeal is accordingly dismissed as withdrawn with the liberty prayed for.

.....CJI.
 (T.S.THAKUR)

.....J.
 (R. BANUMATHI)

NEW DELHI,
 MAY 12, 2016.