

THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.09-011 OF 2023
(Arising out of SLP(C) No(s). 9036-9038/2016

INDORE DEVELOPMENT AUTHORITY

Appellant(s)

VERSUS

MANOHARLAL AND ORS. ETC.

Respondent(s)

WITH

CIVIL APPEAL NOS.022-023 OF 2023
(Arising out of SLP(C) No(s). 9798-9799/2016

O R D E R

1. Leave granted.

2. As common questions of law and fact arise in these group of appeals, and as such arise out of the common judgment and order passed by the High Court of Madhya Pradesh Bench at Indore passed in Writ Appeal Nos.514, 799 and 772 of 2006 and Writ Appeal Nos.250 and 323 of 2008, all these appeals are disposed of together by this common judgment and order.

3. At the outset, it is required to be noted that the respective writ appeals were arising out of the judgment and order passed by the learned Single Judge dismissing the writ petitions in which the original writ petitioners challenged the acquisition proceedings with respect to the land in question acquired under the

provisions of the Land Acquisition Act, 1894 ("The 1894 Act", for short). Learned Single Judge dismissed the writ petitions, against which the original writ petitioners preferred the aforesaid writ appeals before the High Court. During the pendency of the appeals, the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 ("the 2013 Act", for short) came into force and the original writ petitioners/appellants before the Division Bench of the High Court pressed into service Section 24 of the 2013 Act and prayed that the acquisition with respect to the lands in question is deemed to have lapsed under Section 24(2) of the 2013 Act. Therefore, without further going into the correctness of the judgment and order passed by the learned Single Judge dismissing the writ petitions in which the original writ petitioners challenged the acquisition under the 1894 Act, the Division Bench of the High Court declared that the acquisition with respect to the land in question is deemed to have lapsed under Section 24(2) of the 2013 Act.

4. Feeling aggrieved and dis-satisfied with the common judgment and order passed by the High Court, the Indore Development Authority has preferred the present appeals.

5. Having heard learned counsel appearing for the respective parties, it cannot be disputed and it is not disputed that so far as the acquisition with respect to the lands in question having been lapsed under Section 24(2) of the 2013 Act, the said issue is concluded in favour of the Indore Development Authority-the

appellant herein, in view of the decision of the Constitution Bench of this Court in the case of Indore Development Authority vs. Manoharlal and Others reported in (2020)8 SCC 129. In paragraph 366 the constitution Bench of this Court observed as under:

"366. In view of the aforesaid discussion, we answer the questions as under:

366.1. Under the provisions of Section 24(1)(a) in case the award is not made as on 1.1.2014 the date of commencement of the 2013 Act, there is no lapse of proceedings. Compensation has to be determined under the provisions of the 2013 Act.

366.2. In case the award has been passed within the window period of five years excluding the period covered by an interim order of the court, then proceedings shall continue as provided under Section 24(1)(b) of the 2013 Act under the 1894 Act as if it has not been repealed.

366.3. The word 'or' used in Section 24(2) between possession and compensation has to be read as 'nor' or as 'and'. The deemed lapse of land acquisition proceedings under Section 24(2) of the 2013 Act takes place where due to inaction of authorities for five years or more prior to commencement of the said Act, the possession of land has not been taken nor compensation has been paid. In other words, in case possession has been taken, compensation has not been paid then there is no lapse. Similarly, if compensation has been paid, possession has not been taken then there is no lapse.

366.4. The expression 'paid' in the main part of Section 24(2) of the 2013 Act does not include a deposit of compensation in court. The consequence of non-deposit is provided in the proviso to Section 24(2) in case it has not been deposited with respect to majority of land holdings then all beneficiaries (landowners) as on the date of notification for land acquisition under Section 4 of the 1894 Act shall be entitled to compensation in accordance with the provisions of the 2013 Act. In case the obligation under Section 31 of the Land Acquisition Act, 1894 has not been fulfilled, interest under Section 34 of the said Act can be granted. Non-deposit of compensation (in court) does not result in the lapse of land

acquisition proceedings. In case of non-deposit with respect to the majority of holdings for five years or more, compensation under the 2013 Act has to be paid to the "landowners" as on the date of notification for land acquisition under Section 4 of the 1894 Act.

366.5. In case a person has been tendered the compensation as provided under Section 31(1) of the 1894 Act, it is not open to him to claim that acquisition has lapsed under Section 24(2) due to non-payment or non-deposit of compensation in court. The obligation to pay is complete by tendering the amount under Section 31(1). The landowners who had refused to accept compensation or who sought reference for higher compensation, cannot claim that the acquisition proceedings had lapsed under Section 24(2) of the 2013 Act.

366.6. The proviso to Section 24(2) of the 2013 Act is to be treated as part of Section 24(2), not part of Section 24(1)(b).

366.7. The mode of taking possession under the 1894 Act and as contemplated under Section 24(2) is by drawing of inquest report/ memorandum. Once award has been passed on taking possession under Section 16 of the 1894 Act, the land vests in State there is no divesting provided under Section 24(2) of the 2013 Act, as once possession has been taken there is no lapse under Section 24(2).

366.8. The provisions of Section 24(2) providing for a deemed lapse of proceedings are applicable in case authorities have failed due to their inaction to take possession and pay compensation for five years or more before the 2013 Act came into force, in a proceeding for land acquisition pending with the authority concerned as on 1.1.2014. The period of subsistence of interim orders passed by court has to be excluded in the computation of five years.

366.9. Section 24(2) of the 2013 Act does not give rise to new cause of action to question the legality of concluded proceedings of land acquisition. Section 24 applies to a proceeding pending on the date of enforcement of the 2013 Act, i.e., 1.1.2014. It does not revive stale and time-barred claims and does not reopen concluded proceedings nor allow landowners to question the legality of mode of taking possession to reopen proceedings or mode of deposit of compensation in the treasury instead of court to invalidate acquisition."

6. In view of the above, the impugned judgment and order passed by the Division Bench of the High Court declaring that the acquisition with respect to the lands in question is deemed to have lapsed under Section 24(2) of 2013 Act, is unsustainable and the same deserves to be set aside.

7. At this stage, learned counsel appearing on behalf of the original writ petitioners/appellants before the High Court-private respondents herein have prayed to remand the matter to the Division Bench of the High Court to decide the writ appeals on merits so far as challenge to the acquisition proceedings under the provisions of the 1894 Act, as the Division Bench of the High Court has not at all dealt with or considered the challenge to the acquisition proceedings under the provisions of the 1894 Act and the other points if any.

8. It is submitted that as such number of grounds were raised before the Division Bench of the High Court on the legality and validity of the acquisition proceedings under the provisions of the 1894 Act. However, the Division Bench has decided only one issue namely; whether the acquisition proceedings have lapsed by virtue of the 2013 Act or not.

9. Having heard learned counsel appearing on behalf of the respective parties and having considered the observations made in paragraph 25 of the impugned judgment and order by which the Division Bench of the High Court has specifically observed that "in

view of the foregoing discussion, it is not necessary to consider the correctness of the impugned judgment and order passed by the learned Single Judge on merits" and therefore, the Division Bench of the High Court has not entered into the correctness of the judgment and order passed by the learned Single Judge on merits in so far as the challenge to the acquisition proceedings under the 1894 Act is concerned, the matters are to be remanded to the Division Bench of High Court to decide the appeals afresh and to consider the correctness of the judgment and order passed by the learned Single Judge appealed before it except the issue with respect to the lapse of the acquisition proceedings under Section 24 of the 2013 Act.

10. In view of the above and for the reasons stated above, the present appeals succeed in part. The impugned common judgment and order passed by the Division Bench of the High Court declaring that the acquisition proceedings with respect to the land acquisition are deemed to have lapsed under Section 24(2) of the 2013 Act is hereby quashed and set aside.

11. However, as the Division Bench of the High Court has not decided and considered the correctness of the judgment and order passed by the learned Single Judge of the High Court appealed before it on merits in which the original writ petitioners/appellants challenged the acquisition proceedings under the 1894 Act, all these appeals are remitted to the High Court to consider the said appeals afresh in accordance with law on their own merits and to consider the correctness of the judgment and

order passed by the learned single Judge appealed before it on merits including the submissions on behalf of the original land owners that the acquisition is bad in law under the 1894 Act and/or on any other ground. However, it is made clear that so far as the applicability and the deemed lapse of the acquisition proceedings under the 2013 Act is concerned, the said issue is now concluded against the original landowners in view of the Constitution Bench Judgment in Indore Development Authority(supra) and the same shall not be reopened by the Division Bench of the High Court to consider the appeals on merits on other issues.

12. The present appeals are accordingly allowed to the aforesaid extent. No order as to costs.

13. We request the High Court to finally decide and dispose of the appeals at the earliest and preferably within a period of 12 months from the date of the receipt of the present order.

14. In the meantime, the parties are directed to maintain status quo as on today.

15. It is made clear that this Court has not expressed anything on merits in favour of either of the parties with respect to other issues on merits and it is ultimately for the High Court to consider the correctness of the judgment and order passed by the learned Single Judge on merits on other issues and questions in accordance with law and on their own merits.

16. All pending applications including intervention applications

stand disposed of.

.....J
(M.R. SHAH)

.....J
(C.T. RAVIKUMAR)

New Delhi,
January 2, 2023

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

MISCELLANEOUS APPLICATION NO.45 OF 2018

IN

CIVIL APPEAL NO.6239 OF 2017

DELHI DEVELOPMENT AUTHORITY

Applicant/Appellant(s)

VERSUS

VINOD KUMAR KHANNA AND ORS.

Respondent(s)

WITH

MISCELLANEOUS APPLICATION NO.1786 OF 2017

IN

CIVIL APPEAL NO.10207 OF 2016

WITH

MISCELLANEOUS APPLICATION NO.1423 OF 2017

IN

CIVIL APPEAL NO.12247 OF 2016

WITH

MISCELLANEOUS APPLICATION NO.1787 OF 2017

IN

CIVIL APPEAL NO.10210 OF 2016

WITH

CIVIL APPEAL NO. OF 2023
(Arising out of SLP(C) No(s).37375/2016)

O R D E R

1. Heard learned counsel for the respective parties in miscellaneous applications. All the applications are allowed.
2. The orders passed in relative appeals are hereby ordered to be recalled and the respective appeals are ordered to be restored to the file and heard today.
3. Leave granted in the matters in which the leave has not yet been granted.
4. Feeling aggrieved and dissatisfied with the common judgment and order dated 23.02.2016 passed by the High Court of Delhi at New Dehi in Writ Petition (C) Nos.6363, 6339, 6378, 6356 and 6357 of 2015 & CM Nos.11577, 11545, 11606, 1156 and 11565 of 2015 by which the Division Bench of the High Court has allowed the writ petitions, the land and Building Department, Government of Delhi and Delhi Development Authority have preferred the present appeals.
5. Having heard learned counsel appearing for the respective parties and taking into consideration the decision of the Constitution Bench of this Court in the case of Indore Development Authority vs. Manoharlal and Others reported in (2020) 8 SCC 129 and without further entering into the merits of the case, we set aside the impugned common judgment and

order passed by the High Court and remit the matters to the High Court to decide the original writ petitions afresh in accordance with law and on their own merits and in the light of the observations made by the Constitution Bench of this Court in the Case of Indore Development Authority (supra).

6. All the contentions and defences which may be available to the respective parties are kept open to be considered by the High Court in accordance with law and on their own merits. We request the High Court to finally decide and dispose of the writ petitions as expeditiously as possible and within a period of 12 months from the date of the receipt of the present order.

7. All these appeals are allowed to the aforesaid extent. In the facts and circumstances of the present case, there shall be no order as to costs.

.....J
(M.R. SHAH)

.....J
(C.T. RAVIKUMAR)

New Delhi,
January 2, 2023

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. OF 2023
(Arising out of SLP(C) No(s).30577-30580/2015)

STATE OF HARYANA & OTHERS

Appellant(s)

VERSUS

LT. COL. INDER SINGH KALAAN
(SINCE DECEASED) THROUGH LRS.&
OTHERS. ETC.

Respondent(s)

O R D E R

1. Leave granted.

2. Feeling aggrieved and dissatisfied with the impugned common judgment and order passed by the High Court of Punjab and Haryana at Chandigarh in CWP No. 8881 of 1989 and other writ petitions dated 20th May, 2014 by which the Division Bench of the High Court has disposed of the said writ petitions by observing and holding that the acquisition with respect to the land in question is deemed to have lapsed under Section 24(2) of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as "the 2013 Act"), the State of Haryana has preferred the present appeals.

3. Having heard Shri Ajay Bansal, learned counsel appearing on behalf of the State of Haryana and Mr. C.U. Singh, learned Senior Counsel appearing on behalf of some of the original writ petitioners and having gone through the impugned judgment and order passed by the High Court, we are of the opinion that the impugned common judgment and order passed by the High Court is unsustainable in view of the subsequent decision of this Court in the case of *"Indore Development Authority vs. Manoharlal and Others"*, reported in 2020 (8) SCC 129.

4. However, at the same time the High Court has disposed of the writ petitions only on the deemed lapse under Section 24 of the 2013 Act and has not considered any other issues on merits more particularly challenge to the acquisition proceedings under the Land Acquisition Act, 1894, the matters are required to be remanded back to the High Court to decide and dispose of the writ petition(s) afresh in accordance with law and on their own merits on all other issues, except the applicability of Section 24 of the 2013 Act.

5. In view of the above and for the reasons stated above, the present appeals succeed in part. The impugned common judgment and order passed by the High Court is hereby quashed and set aside and the matters are remitted to the High Court to decide and dispose of the writ petition(s) afresh in

accordance with law and on their own merits on other issues except, the applicability of Section 24 of the 2013 Act. We request the High Court to finally decide and dispose of the writ petition(s) on remand at the earliest and preferably within a period of one year from the date of presentation of this order. All the contentions and the defences which may be available to the respective parties are kept open to be considered by the High Court in accordance with law and on their own merits (except the submissions on applicability of Section 24 of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013).

6. Status quo as ordered earlier by this Court in the present proceedings are ordered to be continued till the final disposal of the writ petitions by the High Court on remand.

7. The present appeals are accordingly, allowed to the aforesaid extent. There shall be no order as to cost.

.....J
(M.R. SHAH)

.....J
(C.T. RAVIKUMAR)

New Delhi,
January 2, 2023

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). OF 2023
(Arising out of SLP(C) No(s). /2023)
(Arising out of SLP(C) CC No(s).15967/2016)

THE EXECUTIVE ENGINEER,
NANDUR MADHMESHWAR CANAL, GODHAVARI KHORE,
MAHAMANDAL, AURANGABAD, MAHARASHTRA Appellant(s)

VERSUS

NARAYAN & OTHERS Respondent(s)

O R D E R

1. Nobody appears on behalf of the respondents.
2. Delay condoned.
3. Leave granted.
4. Feeling aggrieved and dissatisfied with the impugned judgment and order dated 02.02.2016 passed by the High Court of Judicature at Bombay, Bench at Aurangabad in Writ Petition No. 7947 of 2013 by which the High Court has allowed the said writ petition solely on the basis of proviso to Section 24 (2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as "the 2013 Act") and has directed to re-determine the amount of compensation payable to the claimants in accordance with the provisions of the 2013 Act and the High Court has allowed the said writ petition by

observing that sub-section (2) of Section 24 shall not apply and what applies is sub-section 1(b) of Section 24 of the 2013 Act and thereby has directed to re-determine the compensation payable to the original writ petitioners in accordance with the provisions of the 2013 Act, the acquiring body has preferred the present appeal.

5. Having heard learned counsel appearing on behalf of the appellant-acquiring body and having gone through the impugned judgment and order passed by the High Court, we are of the opinion that the impugned judgment and order passed by the High Court holding that sub-section 2 of Section 24 shall not apply and what applies is sub-section 1(b) of Section 24 of the 2013 Act is unsustainable in view of the decision of the Constitution Bench of this Court in the case of *"Indore Development Authority Versus Manoharlal & Ors. Etc."* reported in 2020 (8) SCC 129. In Paragraph 366, this Court has observed and held as under:

"366. In view of the aforesaid discussion, we answer the questions as under:

366.1. Under the provisions of Section 24(1)(a) in case the award is not made as on 1.1.2014 the date of commencement of the 2013 Act, there is no lapse of proceedings. Compensation has to be determined under the provisions of the 2013 Act.

366.2. In case the award has been passed within the window period of five years excluding the period covered by an interim order of the court, then proceedings shall continue as provided under Section

24(1)(b) of the 2013 Act under the 1894 Act as if it has not been repealed.

366.3. The word 'or' used in Section 24(2) between possession and compensation has to be read as 'nor' or as 'and'. The deemed lapse of land acquisition proceedings under Section 24(2) of the 2013 Act takes place where due to inaction of authorities for five years or more prior to commencement of the said Act, the possession of land has not been taken nor compensation has been paid. In other words, in case possession has been taken, compensation has not been paid then there is no lapse. Similarly, if compensation has been paid, possession has not been taken then there is no lapse.

366.4. The expression 'paid' in the main part of Section 24(2) of the 2013 Act does not include a deposit of compensation in court. The consequence of non-deposit is provided in the proviso to Section 24(2) in case it has not been deposited with respect to majority of land holdings then all beneficiaries (landowners) as on the date of notification for land acquisition under Section 4 of the 1894 Act shall be entitled to compensation in accordance with the provisions of the 2013 Act. In case the obligation under Section 31 of the Land Acquisition Act, 1894 has not been fulfilled, interest under Section 34 of the said Act can be granted. Non-deposit of compensation (in court) does not result in the lapse of land acquisition proceedings. In case of non-deposit with respect to the majority of holdings for five years or more, compensation under the 2013 Act has to be paid to the "landowners" as on the date of notification for land acquisition under Section 4 of the 1894 Act.

366.5. In case a person has been tendered the compensation as provided under Section 31(1) of the 1894 Act, it is not open to him to claim that acquisition has lapsed under Section 24(2) due to non-payment or non-deposit of compensation in court. The obligation to pay is complete by tendering the amount under Section 31(1). The landowners who had refused to accept compensation or who sought reference for higher compensation, cannot claim that the acquisition proceedings had lapsed under Section 24(2) of the 2013 Act.

366.6. The proviso to Section 24(2) of the 2013 Act is to be treated as part of Section 24(2), not part of Section 24(1)(b).

366.7. The mode of taking possession under the 1894 Act

and as contemplated under Section 24(2) is by drawing of inquest report/ memorandum. Once award has been passed on taking possession under Section 16 of the 1894 Act, the land vests in State there is no divesting provided under Section 24(2) of the 2013 Act, as once possession has been taken there is no lapse under Section 24(2).

366.8. The provisions of Section 24(2) providing for a deemed lapse of proceedings are applicable in case authorities have failed due to their inaction to take possession and pay compensation for five years or more before the 2013 Act came into force, in a proceeding for land acquisition pending with the authority concerned as on 1.1.2014. The period of subsistence of interim orders passed by court has to be excluded in the computation of five years.

366.9. Section 24(2) of the 2013 Act does not give rise to new cause of action to question the legality of concluded proceedings of land acquisition. Section 24 applies to a proceeding pending on the date of enforcement of the 2013 Act, i.e., 1.1.2014. It does not revive stale and time-barred claims and does not reopen concluded proceedings nor allow landowners to question the legality of mode of taking possession to reopen proceedings or mode of deposit of compensation in the treasury instead of court to invalidate acquisition."

6. In view of the above and for the reasons stated above, the impugned judgment and order passed by the High Court is hereby quashed and set aside. The present appeal is accordingly allowed. In the facts and circumstances of the case, there shall be no order as to cost.

.....J
(M.R. SHAH)

.....J
(C.T. RAVIKUMAR)

New Delhi,
January 2, 2023

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). OF 2023
(Arising out of SLP(C) No(s). /2023)
(Arising out of SLP(C) Dy. No.23842/2018)

DELHI DEVELOPMENT AUTHORITY

Appellant(s)

VERSUS

KHAZAN SINGH & OTHERS

Respondent(s)

O R D E R

1. Delay condoned. Leave granted.
2. Feeling aggrieved and dissatisfied with the impugned judgment and order dated 11th April, 2017 passed by the High Court of Delhi at New Delhi in Writ Petition (C) No.9127 of 2015 by which the High Court has allowed the said writ petition and has declared that the acquisition with respect to the land(s) in question is deemed to have lapsed under Section 24(2) of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as "the 2013 Act"), the Delhi Development Authority has preferred the present appeal.
3. From the impugned judgment and order passed by the High Court and even the counter affidavit filed on behalf of the Delhi

Development Authority before the High Court, it appears that the possession of the land(s) in question was taken over by the Department on 4.12.1986, 12.12.1996 and 5.3.1997 and handed over to the beneficiary department. However, thereafter as the only the part compensation was paid to the co-owner and the remaining amount was sent to the Revenue Department, relying upon the decision of this Court in the case of *"Pune Municipal Corporation & Anr. Vs. Harakchand Misirimal Solanki & Ors."*, reported in 2014 (3) SCC 183, the High Court has allowed the writ petition and has declared that the acquisition with respect to the land in question is deemed to have lapsed under Section 24(2) of the 2013 Act.

4. The view taken by the High Court is unsustainable in view of the subsequent decision by the Constitution Bench of this Court in the case of *"Indore Development Authority Versus Manoharlal & Ors. Etc."* reported in 2020 (8) SCC 129.

In Paragraphs 365 and 366, this Court has observed and held as under:

"365. Resultantly, the decision rendered in *Pune Municipal Corporation & Anr.* is hereby overruled and all other decisions in which *Pune Municipal Corporation* has been followed, are also overruled. The decision in *Shree Balaji Nagar Residential Association* cannot be said to be laying down good law, is overruled and other decisions following the same are also overruled. In *Indore Development Authority v. Shailendra*, the aspect with respect to the proviso to Section 24(2) and whether 'or' has to be read as 'nor' or as 'and' was not placed for consideration. Therefore, that decision too cannot prevail, in the light of the discussion in the present judgment.

366. In view of the aforesaid discussion, we answer the questions as under:

366.1. Under the provisions of Section 24(1)(a) in case the award is not made as on 1.1.2014 the date of commencement of the 2013 Act, there is no lapse of proceedings. Compensation has to be determined under the provisions of the 2013 Act.

366.2. In case the award has been passed within the window period of five years excluding the period covered by an interim order of the court, then proceedings shall continue as provided under Section 24(1)(b) of the 2013 Act under the 1894 Act as if it has not been repealed.

366.3. The word 'or' used in Section 24(2) between possession and compensation has to be read as 'nor' or as 'and'. The deemed lapse of land acquisition proceedings under Section 24(2) of the 2013 Act takes place where due to inaction of authorities for five years or more prior to commencement of the said Act, the possession of land has not been taken nor compensation has been paid. In other words, in case possession has been taken, compensation has not been paid then there is no lapse. Similarly, if compensation has been paid, possession has not been taken then there is no lapse.

366.4. The expression 'paid' in the main part of Section 24(2) of the 2013 Act does not include a deposit of compensation in court. The consequence of non-deposit is provided in the proviso to Section 24(2) in case it has not been deposited with respect to majority of land holdings then all beneficiaries (landowners) as on the date of notification for land acquisition under Section 4 of the 1894 Act shall be entitled to compensation in accordance with the provisions of the 2013 Act. In case the obligation under Section 31 of the Land Acquisition Act, 1894 has not been fulfilled, interest under Section 34 of the said Act can be granted. Non-deposit of compensation (in court) does not result in the lapse of land acquisition proceedings. In case of non-deposit with respect to the majority of holdings for five years or more, compensation under the 2013 Act has to be paid to the "landowners" as on the date of notification for land acquisition under Section 4 of the 1894 Act.

366.5. In case a person has been tendered the compensation as provided under Section 31(1) of the 1894 Act, it is not open to him to claim that

acquisition has lapsed under Section 24(2) due to non-payment or non-deposit of compensation in court. The obligation to pay is complete by tendering the amount under Section 31(1). The landowners who had refused to accept compensation or who sought reference for higher compensation, cannot claim that the acquisition proceedings had lapsed under Section 24(2) of the 2013 Act.

366.6. The proviso to Section 24(2) of the 2013 Act is to be treated as part of Section 24(2), not part of Section 24(1)(b).

366.7. The mode of taking possession under the 1894 Act and as contemplated under Section 24(2) is by drawing of inquest report/ memorandum. Once award has been passed on taking possession under Section 16 of the 1894 Act, the land vests in State there is no divesting provided under Section 24(2) of the 2013 Act, as once possession has been taken there is no lapse under Section 24(2).

366.8. The provisions of Section 24(2) providing for a deemed lapse of proceedings are applicable in case authorities have failed due to their inaction to take possession and pay compensation for five years or more before the 2013 Act came into force, in a proceeding for land acquisition pending with the authority concerned as on 1.1.2014. The period of subsistence of interim orders passed by court has to be excluded in the computation of five years.

366.9. Section 24(2) of the 2013 Act does not give rise to new cause of action to question the legality of concluded proceedings of land acquisition. Section 24 applies to a proceeding pending on the date of enforcement of the 2013 Act, i.e., 1.1.2014. It does not revive stale and time-barred claims and does not reopen concluded proceedings nor allow landowners to question the legality of mode of taking possession to reopen proceedings or mode of deposit of compensation in the treasury instead of court to invalidate acquisition."

5. In view of the above and for the reasons stated above, the impugned judgment and order passed by the High Court is hereby quashed and set aside. The present appeal is accordingly allowed.

In the facts and circumstances, there shall be no order as to cost.

.....J
(M.R. SHAH)

.....J
(C.T. RAVIKUMAR)

New Delhi,
January 2, 2023

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 19356 OF 2017

DELHI METRO RAIL CORPORATION LTD.

Appellant(s)

VERSUS

TARUN PAL SINGH & OTHERS

Respondent(s)

WITH

CIVIL APPEAL NO(S).19364 OF 2017

CIVIL APPEAL NO(S).19362 OF 2017

CIVIL APPEAL NO(S).19361 OF 2017

CIVIL APPEAL NO(S).19363 OF 2017

CIVIL APPEAL NO(S).19412 OF 2017

CIVIL APPEAL NO(S).19358 OF 2017

CIVIL APPEAL NO(S).19357 OF 2017

CIVIL APPEAL NO(S).19360 OF 2017

CIVIL APPEAL NO(S).19359 OF 2017

O R D E R

1. Feeling aggrieved and dissatisfied with the impugned judgment and order dated 21.05.2015 passed by the High Court of Delhi at New Delhi in Writ Petition (C) No. 8596 of 2014 and other allied writ petitions by which the High Court has held that the original writ petitioners are entitled to the compensation under Section 24 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as "the 2013 Act"), by applying the first proviso after Section 24(2) of the 2013 Act, the Delhi Metro Rail Corporation

Ltd. and others have preferred the present appeals.

2. While allowing the writ petitions and directing that the original writ petitioners are entitled to compensation under the 2013 Act, the High Court has observed and held in paragraph 11 as under:

"11. Coming back to the facts in the present petitions, we find that the Awards were made within the period of five years prior to the commencement of the 2013 Act. Clearly, Section 24(2) does not apply. On the other hand, Section 24(1)(b) would apply. But, the exception carved out by the first proviso which has been placed after Section 24(2) would also apply. This is so because compensation in respect of the majority of land holdings has not been deposited in the account of the beneficiaries. This is an admitted fact. The consequence of this would be that all the beneficiaries which include the petitioners herein who have been specified in the notification under Section 4 of the 1894 Act would be entitled to compensation in accordance to the provisions of the 2013 Act. It is held accordingly."

3. The aforesaid view taken by the High Court is just contrary to the decision of the Constitution Bench of this Court in the case of *"Indore Development Authority Versus Manoharlal & Ors. Etc."* reported in 2020 (8) SCC 129. In Paragraphs 366, this Court has observed and held as under:

"366. In view of the aforesaid discussion, we answer the questions as under:

366.1. Under the provisions of Section 24(1)(a) in case the award is not made as on 1.1.2014 the date of commencement of the 2013 Act, there is no lapse of proceedings. Compensation has to be determined under the provisions of the 2013 Act.

366.2. In case the award has been passed within the window period of five years excluding the period covered by an interim order of the court, then

proceedings shall continue as provided under Section 24(1)(b) of the 2013 Act under the 1894 Act as if it has not been repealed.

366.3. The word 'or' used in Section 24(2) between possession and compensation has to be read as 'nor' or as 'and'. The deemed lapse of land acquisition proceedings under Section 24(2) of the 2013 Act takes place where due to inaction of authorities for five years or more prior to commencement of the said Act, the possession of land has not been taken nor compensation has been paid. In other words, in case possession has been taken, compensation has not been paid then there is no lapse. Similarly, if compensation has been paid, possession has not been taken then there is no lapse.

366.4. The expression 'paid' in the main part of Section 24(2) of the 2013 Act does not include a deposit of compensation in court. The consequence of non-deposit is provided in the proviso to Section 24(2) in case it has not been deposited with respect to majority of land holdings then all beneficiaries (landowners) as on the date of notification for land acquisition under Section 4 of the 1894 Act shall be entitled to compensation in accordance with the provisions of the 2013 Act. In case the obligation under Section 31 of the Land Acquisition Act, 1894 has not been fulfilled, interest under Section 34 of the said Act can be granted. Non-deposit of compensation (in court) does not result in the lapse of land acquisition proceedings. In case of non-deposit with respect to the majority of holdings for five years or more, compensation under the 2013 Act has to be paid to the "landowners" as on the date of notification for land acquisition under Section 4 of the 1894 Act.

366.5. In case a person has been tendered the compensation as provided under Section 31(1) of the 1894 Act, it is not open to him to claim that acquisition has lapsed under Section 24(2) due to non-payment or non-deposit of compensation in court. The obligation to pay is complete by tendering the amount under Section 31(1). The landowners who had refused to accept compensation or who sought reference for higher compensation, cannot claim that the acquisition proceedings had lapsed under Section 24(2) of the 2013 Act.

366.6. The proviso to Section 24(2) of the 2013 Act is to be treated as part of Section 24(2), not part of Section 24(1)(b).

366.7. The mode of taking possession under the 1894 Act

and as contemplated under Section 24(2) is by drawing of inquest report/ memorandum. Once award has been passed on taking possession under Section 16 of the 1894 Act, the land vests in State there is no divesting provided under Section 24(2) of the 2013 Act, as once possession has been taken there is no lapse under Section 24(2).

366.8. The provisions of Section 24(2) providing for a deemed lapse of proceedings are applicable in case authorities have failed due to their inaction to take possession and pay compensation for five years or more before the 2013 Act came into force, in a proceeding for land acquisition pending with the authority concerned as on 1.1.2014. The period of subsistence of interim orders passed by court has to be excluded in the computation of five years.

366.9. Section 24(2) of the 2013 Act does not give rise to new cause of action to question the legality of concluded proceedings of land acquisition. Section 24 applies to a proceeding pending on the date of enforcement of the 2013 Act, i.e., 1.1.2014. It does not revive stale and time-barred claims and does not reopen concluded proceedings nor allow landowners to question the legality of mode of taking possession to reopen proceedings or mode of deposit of compensation in the treasury instead of court to invalidate acquisition."

4. In view of the above, the impugned judgment and order passed by the High Court directing that the original writ petitioners shall be entitled to compensation under the 2013 Act is unsustainable and the same deserves to be quashed and set aside.

5. At the same time, learned counsel appearing on behalf of the original writ petitioners is right in submitting before the High Court, the acquisition proceedings under the Land Acquisition Act, 1894 (hereinafter referred to as "the 1894 Act"), were also under challenge including the invocation of Section 17 of the 1894 Act, and therefore, the matters are to be remitted to the High Court to

decide the original writ petitions afresh in accordance with law and on their own merits on other issues, if any, more particularly with respect to challenge to the acquisition proceedings under 1894 Act, except the issue with respect to the applicability of the 2013 Act.

6. In view of the above and for the reasons stated above, the present appeals succeed in part. The impugned common judgment and order passed by the High Court directing that the original writ petitioners shall be entitled to compensation under the 2013 Act applying first proviso the Section 24(2) of the Act, 2013 is hereby quashed and set aside. However, at the same time matters are remanded back to the High Court to decide and dispose of the same afresh in accordance with law and on their own merits on other issues, however, except the applicability of the 2013 Act.

7. We have not expressed anything on merits on the challenge to the acquisition proceedings under the 1894 Act and all the contentions and defences with respect to the respective parties are kept open to be decided by the High Court in accordance with law and on their own merits.

8. We request the High Court to finally decide and dispose of the writ petitions on remand at the earliest, preferably within a period of one year from the date of receipt of the present order.

9. In the meantime, the parties are directed to maintain status quo, as ordered earlier.

10. The present appeals are accordingly allowed. In the facts and circumstances of the case, there shall be no order as to cost.

.....J
(M.R. SHAH)

.....J
(C.T. RAVIKUMAR)

New Delhi,
January 2, 2023

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). OF 2023
(Arising out of SLP(C) No(s).30452/2018)

DELHI DEVELOPMENT AUTHORITY

Appellant(s)

VERSUS

M/S CARDIO PRODUCTS CORPORATION
& OTHERS

Respondent(s)

O R D E R

1. Leave granted.

2. Feeling aggrieved and dissatisfied with the impugned judgment and order dated 9th January, 2018 passed by the High Court of Delhi at New Delhi in Writ Petition (C) No. 9917 of 2015, the Delhi Development Authority has preferred the present appeal.

3. It is reported that matters with respect to the acquisition under the same notification have been remitted by this Court to the High Court (Civil Appeal No. 6796 of 2021 in the case of Delhi Development Authority vs. Anil Kumar Gupta & Anr. and Civil Appeal No. 1574 of 2022 - Delhi Development Authority vs. Ashok Kumar & Ors.)

4. In view of the above, the present appeal succeeds and the impugned judgment and order passed by the High Court is hereby quashed and set aside. Matter is remanded back to the High Court to decide the same in accordance with law on their own merits and in light of the observations made by this Court in Civil Appeal No. 1574 of 2022 and Civil Appeal No. 6796 of 2021. The present Writ Petition be heard, decide and disposed of along with Writ Petition (C) Nos.9989 of 2015 and 10136 of 2015.

5. The present appeal is accordingly allowed.

6. The Registry is directed to communicate this order to the High Court forthwith.

.....J
(M.R. SHAH)

.....J
(C.T. RAVIKUMAR)

New Delhi,
January 2, 2023

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.4835 OF 2015

STATE OF HARYANA & OTHERS

Appellant(s)

VERSUS

MAHARANA PRATAP CHARITABLE TRUST
(Regd.) & ANOTHER

Respondent(s)

O R D E R

1. Feeling aggrieved and dissatisfied with the impugned judgment and order dated 24th December, 2014 passed by the High Court of Punjab and Haryana at Chandigarh in CWP No. 6860 of 2007 (O&M), by which, while answering the reference to the larger Bench, the larger Bench has observed that while considering Section 24(2) of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as "the 2013 Act"), the period of stay granted by the Courts is not to be excluded for determining the period of 5 years under Section 24(2) of the 2013 Act, the State of Haryana has preferred the present appeal.

2. At the outset, it is required to be noted that as such the present appeal is pursuant to the leave granted by the larger Bench vide order dated 24th December, 2014.

3. At the outset, it is required to be noted that before the High Court in the writ petition the original writ petitioner(s)

challenged the notifications under Sections 4 and 6 dated 21st March, 2006 and 20th March, 2007 issued under the provisions of the Land Acquisition Act, 1894. However, in the meantime, the 2013 Act came into force. The original writ petitioner(s) invoked Section 24(2) of the 2013 Act. The question arose whether the period of stay granted by the Courts is to be included for determining the period of 5 years under Section 24(2) of the 2013 Act. The said question was referred to the larger Bench of the High Court. By the impugned order, the larger Bench of the High Court has answered the reference and has observed and held that the period of stay granted by the Courts is not to be excluded for determining the period of 5 years under Section 24(2) of the 2013 Act. The view taken by the larger Bench of the High Court holding so is the subject matter of present appeal.

4. The view taken by the larger Bench of the High Court that the period of stay granted by the Courts is not to be excluded for determining the period of 5 years under Section 24(2) of the 2013 Act is just contrary to the decision of the Constitution Bench of this Court in the case of *"Indore Development Authority Versus Manoharlal & Ors. Etc."* reported in 2020 (8) SCC 129.

5. In Paragraphs 366.8, this Court has observed and held as under:

"366.8. The provisions of Section 24(2) providing for a deemed lapse of proceedings are applicable in case authorities have failed due to their inaction to take possession and pay compensation for five years or more before the 2013 Act came into force, in a proceeding for land acquisition pending with the authority concerned as on 1.1.2014. The period of subsistence of interim orders passed by court has to be excluded in the computation of five years."

6. In view of the above, the impugned order passed by the larger Bench of the High Court taking a contrary view is unsustainable and the same deserves to be quashed and set aside and is accordingly quashed and set aside. Now the matter pending before the High Court to be considered in accordance with law and on merits on other issues, if any.

6. The present appeal is allowed, accordingly. There shall be no order as to cost.

All Intervention applications stand disposed of.

.....J
(M.R. SHAH)

.....J
(C.T. RAVIKUMAR)

New Delhi,
January 2, 2023

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. OF 2023
(ARISING OUT OF SLP(C) NO.16573-16605/2016)

VADODARA URBAN DEVELOPMENT AUTHORITY & OTHERS

Appellant(s)

VERSUS

HARIBHAI KALIDAS RABARI & OTHERS ETC.

Respondent(s)

O R D E R

1. Leave granted.

2. Feeling aggrieved and dissatisfied by the impugned common judgment and order passed by the High Court of Gujarat at Ahmedabad dated 06.04.2016 passed in Special Civil Application No.11220/2014 and other allied applications, by which the High Court has allowed the said writ petitions following/relying upon the decision of this Court in the case of "Pune Municipal Corporation and Another vs. Harakchand Misirimal Solanki and Others reported in (2014) 3 SCC 183" and held that the acquisition with respect to the lands in question is deemed to have lapsed under Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as "the 2013 Act"), the Vadodara Urban Development Authority has preferred the present appeals.

Having heard Ms. Hemantika Wahi, learned counsel appearing on behalf of the appellants and Mr. Gaurav Agarwal, learned counsel

appearing on behalf of original writ petitioners/respondents herein and having gone through the judgment and order passed by the High Court, it appears that by the impugned judgment the High Court has held that the acquisition in respect to the land in question, is deemed to have lapsed under Section 24(2) of the 2013 Act, relying upon the decision of this Court in the case of *Pune Municipal Corporation (supra)* and on the ground that the compensation in question was not tendered/paid to the land owners. However, there is a specific finding given by the High Court that the possession of the land(s) in question was taken over by the appropriate authority (para 9 of the impugned judgment and order). The decision of this Court in the case of *Pune Municipal Corporation(supra)*, which has been relied upon by the High Court, while passing the impugned judgment and order, has been specifically overruled by the Constitution Bench of this Court in the case of "*Indore Development Authority Versus Manoharlal & Ors. Etc.*" reported in 2020 (8) SCC 129. In Paragraphs 365 and 366, this Court has observed and held as under:

"365. Resultantly, the decision rendered in *Pune Municipal Corporation & Anr.* is hereby overruled and all other decisions in which *Pune Municipal Corporation* has been followed, are also overruled. The decision in *Shree Balaji Nagar Residential Association* cannot be said to be laying down good law, is overruled and other decisions following the same are also overruled. In *Indore Development Authority v. Shailendra*, the aspect with respect to the proviso to Section 24(2) and whether 'or' has to be read as 'nor' or as 'and' was not placed for consideration. Therefore, that decision too cannot prevail, in the light of the discussion in the present judgment.

366. In view of the aforesaid discussion, we answer the questions as under:

366.1. Under the provisions of Section 24(1)(a) in case the award is not made as on 1.1.2014 the date of commencement of the 2013 Act, there is no lapse of proceedings. Compensation has to be determined under the provisions of the 2013 Act.

366.2. In case the award has been passed within the window period of five years excluding the period covered by an interim order of the court, then proceedings shall continue as provided under Section 24(1)(b) of the 2013 Act under the 1894 Act as if it has not been repealed.

366.3. The word 'or' used in Section 24(2) between possession and compensation has to be read as 'nor' or as 'and'. The deemed lapse of land acquisition proceedings under Section 24(2) of the 2013 Act takes place where due to inaction of authorities for five years or more prior to commencement of the said Act, the possession of land has not been taken nor compensation has been paid. In other words, in case possession has been taken, compensation has not been paid then there is no lapse. Similarly, if compensation has been paid, possession has not been taken then there is no lapse.

366.4. The expression 'paid' in the main part of Section 24(2) of the 2013 Act does not include a deposit of compensation in court. The consequence of non-deposit is provided in the proviso to Section 24(2) in case it has not been deposited with respect to majority of land holdings then all beneficiaries (landowners) as on the date of notification for land acquisition under Section 4 of the 1894 Act shall be entitled to compensation in accordance with the provisions of the 2013 Act. In case the obligation under Section 31 of the Land Acquisition Act, 1894 has not been fulfilled, interest under Section 34 of the said Act can be granted. Non-deposit of compensation (in court) does not result in the lapse of land acquisition proceedings. In case of non-deposit with respect to the majority of holdings for five years or more, compensation under the 2013 Act has to be paid to the "landowners" as on the date of notification for land acquisition under Section 4 of the 1894 Act.

366.5. In case a person has been tendered the compensation as provided under Section 31(1) of the 1894 Act, it is not open to him to claim that acquisition has lapsed under Section 24(2) due to non-payment or non-deposit of compensation in court. The obligation to pay is complete by tendering the amount

under Section 31(1). The landowners who had refused to accept compensation or who sought reference for higher compensation, cannot claim that the acquisition proceedings had lapsed under Section 24(2) of the 2013 Act.

366.6. The proviso to Section 24(2) of the 2013 Act is to be treated as part of Section 24(2), not part of Section 24(1)(b).

366.7. The mode of taking possession under the 1894 Act and as contemplated under Section 24(2) is by drawing of inquest report/ memorandum. Once award has been passed on taking possession under Section 16 of the 1894 Act, the land vests in State there is no divesting provided under Section 24(2) of the 2013 Act, as once possession has been taken there is no lapse under Section 24(2).

366.8. The provisions of Section 24(2) providing for a deemed lapse of proceedings are applicable in case authorities have failed due to their inaction to take possession and pay compensation for five years or more before the 2013 Act came into force, in a proceeding for land acquisition pending with the authority concerned as on 1.1.2014. The period of subsistence of interim orders passed by court has to be excluded in the computation of five years.

366.9. Section 24(2) of the 2013 Act does not give rise to new cause of action to question the legality of concluded proceedings of land acquisition. Section 24 applies to a proceeding pending on the date of enforcement of the 2013 Act, i.e., 1.1.2014. It does not revive stale and time-barred claims and does not reopen concluded proceedings nor allow landowners to question the legality of mode of taking possession to reopen proceedings or mode of deposit of compensation in the treasury instead of court to invalidate acquisition."

In view of the above, the impugned common judgment and order passed by the High Court is unsustainable and the same deserves to be quashed and set aside. In view of the above and for the reasons stated above, all these appeals succeed. The impugned common judgment and order passed by the High Court is hereby quashed and set aside.

Consequently the original writ petitions by the private respondents herein/original writ petitioners filed before the High Court stand dismissed. There shall be no order as to costs.

.....J
(M.R. SHAH)

.....J
(C.T. RAVIKUMAR)

New Delhi,
January 2, 2023

ITEM NO.34

COURT NO.5

SECTION IV-C

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s).9036-9038/2016

(Arising out of impugned final judgment and order dated 30-11-2015 in WA No. 514/2006 30-11-2015 in WA No. 799/2006 30-11-2015 in WA No. 772/2006 passed by the High Court Of M.P. At Indore)

INDORE DEVELOPMENT AUTHORITY

Petitioner(s)

VERSUS

MANOHARLAL AND ORS. ETC.

Respondent(s)

(IA No. 120433/2017 - APPLICATION FOR SUBSTITUTION

IA No. 148870/2022 - EARLY HEARING APPLICATION

IA No. 64350/2022 - EARLY HEARING APPLICATION

IA No. 23681/2021 - EXEMPTION FROM FILING O.T.

IA No. 1/2016 - EXEMPTION FROM FILING O.T.

IA No. 126614/2020 - EXEMPTION FROM FILING O.T.

IA No. 47640/2021 - EXEMPTION FROM FILING O.T.

IA No. 175108/2019 - INTERVENTION APPLICATION

IA No. 47639/2021 - INTERVENTION APPLICATION

IA No. 122322/2019 - INTERVENTION APPLICATION

IA No. 103779/2022 - INTERVENTION APPLICATION

IA No. 66568/2019 - INTERVENTION APPLICATION

IA No. 170384/2019 - INTERVENTION APPLICATION

IA No. 23679/2021 - INTERVENTION APPLICATION

IA No. 65903/2019 - INTERVENTION APPLICATION

IA No. 56197/2022 - INTERVENTION APPLICATION

IA No. 53531/2019 - INTERVENTION APPLICATION

IA No. 126613/2020 - INTERVENTION APPLICATION

IA No. 53497/2019 - INTERVENTION APPLICATION

IA No. 162539/2019 - INTERVENTION APPLICATION

IA No. 113198/2020 - INTERVENTION APPLICATION

IA No. 46278/2022 - INTERVENTION APPLICATION

IA No. 49851/2019 - INTERVENTION APPLICATION

IA No. 102340/2020 - INTERVENTION APPLICATION

IA No. 45182/2022 - INTERVENTION APPLICATION

IA No. 49411/2019 - INTERVENTION APPLICATION

IA No. 48588/2019 - INTERVENTION APPLICATION

IA No. 173818/2019 - INTERVENTION/IMPLEADMENT

IA No. 170346/2019 - INTERVENTION/IMPLEADMENT

IA No. 167833/2019 - INTERVENTION/IMPLEADMENT

IA No. 46355/2022 - INTERVENTION/IMPLEADMENT

IA No. 161195/2019 - INTERVENTION/IMPLEADMENT

IA No. 179720/2019 - INTERVENTION/IMPLEADMENT

IA No. 159182/2019 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

WITH

C.A. No. 19364/2017 (XIV-A)

MA 45/2018 in C.A. No. 6239/2017 (XIV-A)
(IA No. 3825/2018 - RECALLING THE COURTS ORDER)

SLP(C) No. 30577-30580/2015 (IV-B)
(FOR ON IA 10/2016)

S.L.P.(C)...CC No. 15967/2016 (IX)
(IA No. 1/2016 - CONDONATION OF DELAY IN FILING)

Diary No(s). 23842/2018 (XIV)
(IA No. 83965/2021 - APPLICATION FOR SUBSTITUTION
IA No. 142648/2019 - APPLICATION FOR TAGGING/DETAGGING
IA No. 100096/2018 - CONDONATION OF DELAY IN FILING
IA No. 100095/2018 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

C.A. No. 19356/2017 (XIV-A)

SLP(C) No. 16051/2019 (XII)

SLP(C) No. 33022/2017 (XII)
(IA No. 128881/2017 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT;IA No. 128880/2017 - EXEMPTION FROM FILING O.T.)

SLP(C) No. 17088-17089/2016 (XI)

SLP(C) No. 30452/2018 (XIV)
(IA No. 157587/2018 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

C.A. No. 4835/2015 (IV)
(IA No. 17783/2016 - application for permission to intervene
IA No. 136013/2021 - INTERVENTION APPLICATION
IA No. 136008/2021 - INTERVENTION APPLICATION
IA No. 132017/2019 - INTERVENTION APPLICATION
IA No. 49389/2019 - INTERVENTION APPLICATION
IA No. 49369/2019 - INTERVENTION APPLICATION
IA No. 48610/2019 - INTERVENTION APPLICATION
IA No. 48603/2019 - INTERVENTION APPLICATION
IA No. 30361/2018 - INTERVENTION APPLICATION
IA No. 136177/2021 - INTERVENTION APPLICATION
IA No. 83627/2022 - INTERVENTION/IMPLEADMENT)

Diary No(s). 22582/2020 (XIV)
(IA No. 111058/2020 - CONDONATION OF DELAY IN FILING
IA No. 111060/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Diary No(s). 22560/2020 (XIV)

(IA No. 111199/2020 - CONDONATION OF DELAY IN FILING
IA No. 111198/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT)

Diary No(s). 22575/2020 (XIV)
(IA No. 111273/2020 - CONDONATION OF DELAY IN FILING
IA No. 111276/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT)

MA 1786/2017 in C.A. No. 10207/2016 (XIV-A)
(IA No. 138001/2017 - CONDONATION OF DELAY IN FILING
IA No. 137987/2017 - RECALLING THE COURTS ORDER)

MA 1423/2017 in C.A. No. 12247/2016 (XIV-A)
(IA No. 135210/2017 - CONDONATION OF DELAY IN FILING
IA No. 109794/2020 - EXEMPTION FROM FILING O.T.
IA No. 127846/2017 - RECALLING THE COURTS ORDER)

SLP(C) No. 37372/2016 (XIV)

C.A. No. 19362/2017 (XIV-A)

C.A. No. 19361/2017 (XIV-A)

C.A. No. 19363/2017 (XIV-A)

C.A. No. 19412/2017 (XIV-A)

SLP(C) No. 9798-9799/2016 (IV-C)
(IA No. 99670/2018 - CLARIFICATION/DIRECTION
IA No. 160647/2018 - CLARIFICATION/DIRECTION
IA No. 71640/2018 - CLARIFICATION/DIRECTION
IA No. 1/2016 - EXEMPTION FROM FILING O.T.
IA No. 71644/2018 - EXEMPTION FROM FILING O.T.
IA No. 114657/2018 - INTERVENTION APPLICATION
IA No. 59004/2019 - INTERVENTION APPLICATION
IA No. 114654/2018 - INTERVENTION APPLICATION
IA No. 160646/2018 - INTERVENTION APPLICATION
IA No. 53874/2019 - INTERVENTION APPLICATION
IA No. 113677/2018 - INTERVENTION APPLICATION
IA No. 156601/2018 - INTERVENTION APPLICATION
IA No. 53197/2019 - INTERVENTION APPLICATION
IA No. 17842/2020 - INTERVENTION APPLICATION
IA No. 54951/2018 - INTERVENTION APPLICATION
IA No. 87282/2018 - INTERVENTION APPLICATION
IA No. 113673/2018 - INTERVENTION APPLICATION
IA No. 48707/2018 - INTERVENTION APPLICATION
IA No. 74344/2018 - INTERVENTION APPLICATION
IA No. 113665/2018 - INTERVENTION APPLICATION
IA No. 135361/2018 - INTERVENTION APPLICATION
IA No. 52895/2019 - INTERVENTION APPLICATION
IA No. 85623/2019 - INTERVENTION APPLICATION
IA No. 113035/2018 - INTERVENTION APPLICATION

IA No. 135096/2018 - INTERVENTION APPLICATION
 IA No. 49461/2019 - INTERVENTION APPLICATION
 IA No. 85622/2019 - INTERVENTION APPLICATION
 IA No. 34277/2018 - INTERVENTION APPLICATION
 IA No. 113032/2018 - INTERVENTION APPLICATION
 IA No. 24790/2019 - INTERVENTION APPLICATION
 IA No. 84146/2019 - INTERVENTION APPLICATION
 IA No. 31441/2018 - INTERVENTION APPLICATION
 IA No. 112147/2018 - INTERVENTION APPLICATION
 IA No. 114726/2018 - INTERVENTION APPLICATION
 IA No. 24783/2019 - INTERVENTION APPLICATION
 IA No. 84144/2019 - INTERVENTION APPLICATION
 IA No. 30398/2018 - INTERVENTION APPLICATION
 IA No. 67460/2018 - INTERVENTION APPLICATION
 IA No. 64113/2018 - INTERVENTION/IMPLEADMENT
 IA No. 99668/2018 - INTERVENTION/IMPLEADMENT
 IA No. 55173/2018 - INTERVENTION/IMPLEADMENT
 IA No. 88380/2018 - INTERVENTION/IMPLEADMENT
 IA No. 144281/2018 - INTERVENTION/IMPLEADMENT
 IA No. 53181/2019 - INTERVENTION/IMPLEADMENT
 IA No. 36898/2018 - INTERVENTION/IMPLEADMENT
 IA No. 121517/2018 - INTERVENTION/IMPLEADMENT
 IA No. 3/2017 - PERMISSION TO FILE ANNEXURES
 IA No. 117673/2019 - STAY APPLICATION)

SLP(C) No. 37375/2016 (XIV)
 (IA No. 51182/2019 - CHANGE OF ADVOCATE ON RECORD
 IA No. 109797/2020 - EXEMPTION FROM FILING O.T.)

SLP(C) No. 16573-16605/2016 (III)
 (IA No. 91470/2020 - ADDITION / DELETION / MODIFICATION PARTIES
 IA No. 91477/2020 - APPLICATION FOR SUBSTITUTION
 IA No. 123088/2019 - APPLICATION FOR SUBSTITUTION
 IA No. 123069/2019 - APPLICATION FOR SUBSTITUTION
 IA No. 91601/2020 - APPLICATION FOR SUBSTITUTION
 IA No. 91474/2020 - CONDONATION OF DELAY IN FILING
 IA No. 91602/2020 - CONDONATION OF DELAY IN FILING
 IA No. 91478/2020 - CONDONATION OF DELAY IN FILING SUBSTITUTION
 APPLN.
 IA No. 123090/2019 - CONDONATION OF DELAY IN FILING SUBSTITUTION
 APPLN.
 IA No. 123072/2019 - CONDONATION OF DELAY IN FILING SUBSTITUTION
 APPLN.
 IA No. 102435/2019 - EXEMPTION FROM FILING O.T.
 IA No. 102434/2019 - PERMISSION TO FILE ADDITIONAL
 DOCUMENTS/FACTS/ANNEXURES)

C.A. No. 19358/2017 (XIV-A)

C.A. No. 19357/2017 (XIV-A)

C.A. No. 19360/2017 (XIV-A)

C.A. No. 19359/2017 (XIV-A)
 (FOR PERMISSION TO APPEAR AND ARGUE IN PERSON ON IA 124918/2019
 FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 124921/2019
 IA No. 124921/2019 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 124918/2019 - PERMISSION TO APPEAR AND ARGUE IN PERSON)

SLP(C) No. 15890/2017 (III)
 (IA No. 74801/2018 - I.A. U/A 142 OF THE CONST. OF INDIA)

SLP(C) No. 33114/2017 (XII)
 (IA No. 129655/2017 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
 JUDGMENT;IA No. 129656/2017 - EXEMPTION FROM FILING O.T.)

SLP(C) No. 33127/2017 (XII)
 (IA No. 129732/2017 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
 JUDGMENT;IA No. 129734/2017 - EXEMPTION FROM FILING O.T.)

SLP(C) No. 34752-34753/2016 (III)
 (IA No. 1/2016 - CONDONATION OF DELAY IN FILING
 IA No. 3/2016 - EXEMPTION FROM FILING O.T.
 IA No. 127709/2018 - EXEMPTION FROM FILING O.T.)

SLP(C) No. 737/2018 (XIV)
 (IA No. 139656/2017 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
 JUDGMENT)

MA 1787/2017 in C.A. No. 10210/2016 (XIV-A)
 (IA No. 138061/2017 - CONDONATION OF DELAY IN FILING
 IA No. 109789/2020 - EXEMPTION FROM FILING O.T.
 IA No. 138028/2017 - RECALLING THE COURTS ORDER)

Date : 02-01-2023 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.R. SHAH
 HON'BLE MR. JUSTICE C.T. RAVIKUMAR

Counsel for the
 Parties:

Mr. Tushar Mehta, SG
 Mr Bharat Singh, AAG
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**UPON hearing the counsel the Court made the following
 O R D E R**

**Applications for condonation of delay as well as applications
 for substitution are allowed.***

SLP(C) No(s). 9036-9038/2016 & 9798-9799/2016

Leave granted.

The appeals are allowed.

All pending applications including intervention applications stand disposed of.

IA No.170346/2019 SLP(C) No(s). 9036-9038/2016

Learned counsel seeks permission to withdraw the present application with liberty to file an appropriate application to initiate independent proceedings.

Liberty as above is granted. As and when such an application is filed, it shall be considered in accordance with law and on its own merits for which this Court has not expressed anything on the maintainability of such proceedings. The application stands disposed of as withdrawn accordingly.

IA No.49851/2019 in SLP(C) No(s). 9036-9038/2016

Learned counsel seeks permission to withdraw the present application as the main SLP is pending. The application stands disposed of as withdrawn.

IA No.31441/2018 in SLP(C) No(s). 9798-9799/2016

Learned counsel seeks permission to withdraw the present application with liberty to file an independent

application for an appropriate relief.

The application stands dismissed with liberty as above. As and when such an application is filed, it shall be considered in accordance with law and on its own merits.

M.A.No.45 Of 2018 in Civil Appeal No.6239 Of 2017, M.A.No.1786 of 2017 in Civil Appeal No.10207 Of 2016, M. A. No.1423 Of 2017 in Civil Appeal No.12247 Of 2016, M. A No.1787 Of 2017 in Civil Appeal No.10210 of 2016 & SLP(C) No(S).37375/2016

All the applications are allowed and Miscellaneous Applications are disposed of.

The orders passed in relative appeals are hereby ordered to be recalled and the respective appeals are ordered to be restored to the file and heard today.

Leave granted in the matters in which the leave has not yet been granted.

The appeals are allowed.

All pending applications including intervention applications stand disposed of.

SLP(C)No(s).30577-30580/2015, SLP(C) CC No(s).15967/2016, SLP(C) Dy. No.23842/2018, SLP(C) Nos.16573-16605/2016

Delay condoned.

Leave granted.

The appeals are allowed.

All pending applications including intervention applications, if any, stand disposed of.

SLP(C) No(s).30452/2018)

Leave granted.

The appeal is allowed.

The Registry is directed to communicate this order to the High Court forthwith.

All pending applications including intervention applications, if any, stand disposed of.

CIVIL APPEAL NO.19356 OF 2017, CIVIL APPEAL NO(S).19364, 19362, 19361,19363, 19412, 19358, 19357, 19360 and 19359 OF 2017 & 4835 OF 2015

Permission to appear and argue in person is granted.

The appeals are allowed.

All pending applications including intervention applications, if any, stand disposed of.

SLP(C) No.16051/2019

Detagged and list on 05.01.2023.

Dy. No.22582/2020, 22560/2020, 22575/2020,34752-34753/2016 & 737/2018

List on 05.01.2023.

Dy. No. 22575/2020

To be notified with SLP© No.31308/2018

SLP(C) No.37372/2016

Issue notice, returnable on 20.02.2023

Dasti in addition.

Let notice be issued within 10 days from today.

SLP(C) No.15890/2017

In view of the subsequent developments of withdrawing the main writ petition by the original writ petitioners in the review petition and the original writ petition therefore stood dismissed as withdrawn, learned counsel appearing on behalf of the petitioner(s) has not pressed the present Special Leave Petition and seeks permission to withdraw the same. Accordingly in view of the subsequent developments, the present Special Leave Petition stands dismissed as withdrawn.

SLP(C) No.33022/2017, 33114/2017, 33127/2017

Having heard learned counsel for the respective parties and taking into consideration the decision of this Court in the case of *Indore Development Authority Versus Manoharlal & Ors. Etc.* reported in 2020 (8) SCC 129, the impugned judgment and order passed by the High Court is not required to be interfered by this Court. The issue involved in the present SLPs is already

concluded against the petitioner(s) in the aforesaid decision.

Under the circumstances, all these SLPs deserve to be dismissed and are accordingly dismissed.

Pending applications, if any, shall stand disposed of.

SLP(C) No.17088-17089/2016

Having heard learned counsel for the respective parties and considering the fact that in the earlier round of litigation, the writ petition(s) filed by the petitioner(s) in Writ Petition No.6251 of 1994 came to be dismissed, which came to be confirmed by this Court and even the possession of the lands in question was already taken over, there is no question of the deemed lapse under Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as "the 2013 Act").

In view of the above, even the submissions on behalf of the petitioner(s) that the petitioner(s) shall be entitled to the compensation under the 2013 Act cannot be

accepted.

In view of the above, we see no reason to interfere with the impugned judgment and order passed by the High Court. Both the SLPs deserve to be dismissed and are accordingly dismissed.

Pending applications, if any, shall stand disposed of.

(INDU MARWAH)
COURT MASTER (SH)

(NISHA TRIPATHI)
ASSISTANT REGISTRAR