

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S).8990/2022
(ARISING OUT OF SLP(C) NO.22122/2022)
(@ DIARY NO.22278/2022)

DELHI DEVELOPMENT AUTHORITY

APPELLANT(S)

VERSUS

ASHOK KUMAR & ORS.

RESPONDENT(S)

O R D E R

Delay condoned.

Leave granted.

Feeling aggrieved and dissatisfied with the impugned judgment and order dated 02.08.2016 passed by the High Court of Delhi at New Delhi in Writ Petition Civil No.12043 of 2015 by which the High Court has allowed the said writ petition and has declared that the acquisition proceedings in respect of subject lands had lapsed in terms of 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 appellant - Delhi Development Authority has preferred the present appeal.

It is reported that with respect to very award and the acquisition of the land in the very colony the matter has been remanded to the High Court in view of the decision of this Court in the case of *Delhi Development Authority vs. Sudesh Goel & Ors.* - (Civil Appeal No.1838 of 2022).

In that view of the matter, we deem it appropriate to set aside the impugned judgment and order and relegate the parties before the High Court for reconsideration of the entire matter afresh on its own merits and in accordance with law, including keeping in mind the law laid down by the Constitution Bench of this Court in Indore Development Authority vs. Manoharlal & Ors. - (2020) 8 SCC 129.

All contentions available to both the sides are left open.

We make it clear that we may not be understood to have expressed any opinion on either way on the factual matters raised by the concerned parties and it is for the High Court to examine the same on its own merits and in accordance with law.

Now the parties to appear before the High Court on 09.01.2023 when the High Court may proceed to hear the remanded matter on that day or assign a suitable date for disposing of the same expeditiously.

The appeal is disposed of in the above terms.

Pending interlocutory application(s), if any, also stands disposed of.

.....J
[M.R. SHAH]

.....J
[C.T. RAVIKUMAR]

NEW DELHI;
DECEMBER 02, 2022.

ITEM NO.56

COURT NO.5

SECTION XIV

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

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 22278/2022

(Arising out of impugned final judgment and order dated 02-08-2016 in WP(C) No. 12043/2015 passed by the High Court Of Delhi At New Delhi)

DELHI DEVELOPMENT AUTHORITY

Petitioner(s)

VERSUS

ASHOK KUMAR & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.147854/2022-CONDONATION OF DELAY IN FILING and IA No.147857/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.147858/2022-CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS)

Date : 02-12-2022 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.R. SHAH

HON'BLE MR. JUSTICE C.T. RAVIKUMAR

For Petitioner(s) Ms. Malvika Kapila, AOR
Ms. Tanwangi Shukla, Adv.

For Respondent(s) Mr. Mansoor Ali, AOR
Mr. D.V. Khatri, Adv.
Ms. Sumita Banu, Adv.

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

Delay condoned.

Leave granted.

The appeal is disposed of in terms of the signed order.

Pending interlocutory application(s), if any, also stands disposed of.

(SANJAY KUMAR-II)
ASTT. REGISTRAR-cum-PS

(NISHA TRIPATHI)
ASSISTANT REGISTRAR

(Signed Order is placed on the file)