

ITEM NO.201

COURT NO.14

SECTION XIV

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). 20689-20691/2015

(Arising out of impugned final judgment and order dated 06/07/2015 in WPC No. 3332/2012, 06/07/2015 in CM No. 11399/2015, 18/05/2015 in WPC No. 3332/2012, 18/05/2015 in CM No. 11631/2012 passed by the High Court Of Delhi At New Delhi)

RAIL LAND DEVELOPMENT AUTHORITY

Petitioner(s)

VERSUS

M/S. S.D BUILDWELL PVT. LTD.

Respondent(s)

Date : 14/09/2015 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. SIKRI

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN

For Petitioner(s) Mr. Jaideep Gupta, Sr. Adv.
Mr. Saurabh Mishra, Adv.

For Respondent(s) Mr. Kapil Sibal, Sr. Adv.
Mr. Raju Ramachandran, Sr. Adv.
Ms. Liz Mathew, Adv.
Mr. Salman Hashmi, Adv.
Ms. Mythili Vijay Kumar T., Adv.
Ms. Sana Hashmi, Adv.
Mr. Arun K. Sinha, Adv.

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

We have heard the arguments of learned senior counsel appearing for the parties at considerable length.

The impugned judgment and order of the High Court insofar as it allows the writ petition with the direction to

refund the amount which the respondent had deposited, we do not find it to be a fit case for our interference under Article 136 of the Constitution. We note that the High Court has, insofar as the amount of refund is concerned, by impugned judgment and order directed the refund of Rs.30.32 crores, which was paid by the respondent to the petitioner. However, on this amount the interest is awarded at the rate of 12% per annum from the date of deposit. This part of the direction is modified and it is directed that the interest shall be calculated only from the date of termination of the contract i.e. 11.04.2012 and the amount in question shall be refunded within a period of four weeks from the date of receipt of a copy of this order.

Mr. Jaideep Gupta, learned senior counsel appearing for the petitioner submits that the land which was handed over to the respondent is still occupied by it. It is needless to mention that at the time of refunding the amount, the possession of the land in question shall also be restored by the respondent to the petitioner.

Mr. Gupta also states that the petitioner has certain claims against the respondent. It shall be open to the petitioner to seek the remedies that are available in law in

respect of those claims. Such claim(s), as and when raised, shall be decided on their own merit.

The special leave petitions are disposed of in the aforesaid terms.

(VINOD KR. JHA)
COURT MASTER

(RENU DIWAN)
COURT MASTER