

SECTION XVII

MATTER FOR : 4.3.2016

Court No. : 1

ITEM NO. :

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 1119-1120 OF 2016

AND

INTERALOCUTORY APPLICATION NOS. 9-10 OF 2016

(Applications for modification of Court's order dated 22.1.2016)

AND

CIVIL APPEAL NOS. 7193-7194 OF 2015

AND

CIVIL APPEAL NOS. 9124-9125 OF 2015

AND

CIVIL APPEAL NOS. 13844-13845 OF 2015

AND

INTERALOCUTORY APPLICATION NOS. 3 OF 2016

(Applications for exemption from Balance deposit of monies)

AND

CIVIL APPEAL NOS. 7191-7192 OF 2015

AND

CIVIL APPEAL NO. 9108 OF 2015

WITH

INTERALOCUTORY APPLICATION NOS. 5-6 OF 2016

(Applications for modification of Court's order dated 22.1.2016)

AND

CIVIL APPEAL NO. 5618 OF 2015

AND

CIVIL APPEAL NOS. 13842-13843 OF 2015

Satilila Sehkar Awas Samiti Limited Appellants

VERSUS

Union of India & Ors. Etc. etc. ... Respondents

OFFICE REPORT

The matters above mentioned was listed before Hon'ble Court on 22nd January, 2016, when Court was pleased to pass the following order:-

"Heard.

Civil Appeal Diary No. 37397 of 2015

Permission to file the appeal is granted.

Issue notice.

Mr. S.N. Terdal, Advocate, accepts notice on behalf of respondent no.1-Union of India and Mr.T.V.S. Raghavendra Sreyas on behalf of respondent No.2-S.P. Muthuraman.

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Notice shall issue to respondent no.3-State of Tamil Nadu only.

Liberty to serve the standing counsel, if any.

List along with Civil Appeals No.7193-7194 of 2015 and connected matters.

Post on Friday, the 4th March, 2016.

Counter affidavit, if any, be filed in the meantime.

Civil Appeals No7193-7194/2015, 9124-9125/2015, 13844-13845/2015, 7191-7192/2015, 9108/2015, 5618/2015 and 13842-13843/2015:

We had by separate interim orders in these appeals unconditionally stayed orders dated 7th July, 2015 and 1st September, 2015, passed by the National Green Tribunal. By the said two orders, the Tribunal had directed the appellants in Civil Appeals No. 7193-7194/2015, 9124-9125/2015, 13844-13845/2015, 7191-7192/2015, 9108/2015, 5618/2015 and 13842-13843/2015 to deposit 5% of the project value towards environmental compensation on a provisional basis. Learned senior counsel appearing for Y. Pondurai-appellant in Civil Appeals No.13842-13843 of 2015, M/s.Ruby Manoharan Property Developers Pvt. Ltd.-appellant in Civil Appeals No.13844-13845 of 2015 and M/s. SSM Builders-appellant in Civil Appeals No.9124-9125 of 2015 submit that the appellants in the said appeals have already deposited the amounts directed by the Tribunal. Mr. Jaideep Gupta, learned senior counsel appearing for M/s. Jones Foundations Pvt. Ltd.-appellant in Civil Appeal No.9108 of 2015, submits that the appellant in that appeal has also deposited a part amount of Rs.2,00,00,000/- out of a total of Rs.7,00,00,000/-.

Having heard learned counsel for the parties at some length, we are of the view that the orders passed by this Court staying the operation of the impugned judgments and orders of the Tribunal, need to be modified so as to direct the appellants in the remaining appeals also to make the deposit in terms of the orders passed by the Tribunal. We accordingly modify our interim order passed in the appeals to the extent that the appellants in these appeals shall within four weeks from today deposit the amount in terms of the orders of the Tribunal, if not already deposited. We are, further, of the view that the Committee appointed by the Tribunal

in terms of direction contained in sub-paras '4' and '6' of para '163' ought to be allowed to undertake the exercise which the Tribunal has directed. The Committee shall, therefore, be free to take up the assignment and complete the same as early as possible. A copy of the report which the Committee may submit to the Tribunal shall also be submitted to this Court.

Mr. Neeraj Kishan Kaul, learned Additional Solicitor General, appearing for the respondent-Union of India, submits that while the Government is in the process of reviewing the entire issue and issuing fresh notifications on the subject, it will have no difficulty in presenting to this Court a full picture about the status of environmental clearances issued to the appellants herein. He seeks four weeks time to do the needful. The compilation which the respondent-U.O.I. may file shall among others indicate the following :

(1) Whether any environmental clearances have been issued to the appellants herein. If so when and under whose orders.

(2) If clearances have been refused or the same are under process, the particulars of such cases shall also be indicated.

(3) The compilation shall also set out the stage at which the construction undertaken by the appellants have reached at present.

(4) Copies of the verification/inspection reports, if any, on the basis of which the environmental clearances have been granted to any one of the appellants, shall also be filed. Learned counsel appearing for some of the flat owners submits that while some of the appellants are claiming to have handed over possession of the flats, the fact of the matter is that not every one who has booked a flat with the appellants has been put in possession. He submits that the appellants could be directed to file a separate affidavit indicating the particulars of those who have been put in possession of the flats by the appellants-builders concerned. We direct accordingly.

The needful shall be done on or before the next date of hearing.

Additional documents, if any, be also filed by the parties within three weeks from today.

Post on Friday, the 4th March, 2016."

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Civil Appeal Nos. 1119-1120/2016

Accordingly, show cause notice was issued to Respondent No. 3 through registered A.D. post. Neither A.D. cards nor unserved covers has been received back so far. Counsel for the Appellant has also not filed proof after effecting service of notice on standing counsel of State of Tamil Nadu/Respondent No. 3. Mr. TVS Raghvendra Sreyas, Advocate has filed vakalatnama on behalf of Respondent No. 2 but has not filed counter affidavit. No one has filed vakalatnama on behalf of Respondent No. 1/Union of India. Service of notice in the matter is incomplete against respondent No. 3 so far.

Civil Appeal No.7193-7194/2015 and 7191-7192/2015

It is submitted that there are nine respondents in all the appeals. M/s. TVS Raghvendra Sreyas, Rahul Pratap, Rakesh K. Sharma and Rajesh Kumar, Advocates have filed vakalatnama on behalf of respondent Nos. 1, 2, 4 and 6 respectively. Mr. TVS Raghvendra Sreyas, Advocate for respondent No. 1 has filed counter affidavit but Respondent Nos. 1, 2 and 4 have not filed counter affidavit so far. Service of notice against respondent Nos. 3, 5 and 7 to 9 is incomplete so far.

It is further submitted that Mr. TVS Raghvendra Sreyas, Advocate has filed applications for permission to file additional documents on behalf of respondent No. 1 in all the appeals which are registered as I.A. Nos. 7-8 of 2016.(Copy of the same is placed with main appeal paper books).

It is further submitted that Ms. Rohini Musa, Advocate has on 15.2.2016 filed applications for modification of the Hon'ble Court's order dated 22.1.2016 which are registered as I.A. Nos. 9-10 in CA Nos. 7191-7192/15 and IA Nos. 5-6 in CA Nos.7193-7194/15. (Copy of applications are placed with main appeal paper books).

It is lastly submitted that no additional documents has been filed in the matter so far.

Civil Appeal Nos. 9124-9125/2015

It is submitted that there are nine respondents in both the appeals. Mr. TVS Raghvendra Sreyas has filed vakalatnama and counter affidavit on behalf of common respondent No. 1. Mr. Rajesh Kumar, Advocate has filed vakalatnama on behalf of respondent No. 6 but has not filed counter affidavit so far. Neither A.D. cards nor unserved covers have been received back in respect of respondent Nos. 2 to 5 and 7 to 9 so far. Service of show cause notice in the matters is incomplete.

It is further submitted that no additional documents has been filed in the matter so far.

Civil Appeal Nos. 13844-13845/2015 and 13842-13843/2015

It is submitted that there are nine respondents in the matters. M/s. TVS Raghvendra Sreyas and Rajesh Kumar, Advocates have filed vakalatnama on behalf of common respondent Nos. 2 and 5. Counsel for the Respondent No. 2 has filed counter affidavit but Counsel for the Respondent No. 5 has not filed counter affidavit so far. Neither A.D. cards nor unserved covers have been received back in respect of respondent Nos. 2 to 4 and 6 to 9 so far. Service of show cause notice in the matters is incomplete.

It is further submitted that no additional documents has been filed in the matter so far.

Civil Appeal No. 9108/2015

It is submitted that there are nine respondents in the matter. Respondent No. 1 has represented through Mr. TVS Raghvendra Sreyas, Advocate and also filed reply affidavit. Neither A.D. cards nor unserved covers have been received back in respect of respondent Nos. 2 to 9. Service of notice in the matter is incomplete so far. Counsel for the Appellant has not filed affidavit of dasti service after effective service of unserved respondent so far.

It is further submitted that Mr. Rajesh Kumar, Avocate has on 24.2.2016 filed an application for exemption from balance deposit of monies which is registered as I.A. No. 3. (Copy of the same is placed with main appeal paper books).

It is further submitted that no additional documents has been filed in the matter so far.

Civil Appeal No. 5618/2015

It is submitted that there are nine respondents in the matter. Mrs. TVS Raghvendra Sreyas, M/s. Rakesh K. Sharma, Rajesh Kumar and Mrs. Rohini Musa, Advocates have filed vakalatnama on behalf of Respondents Nos. 1, 4 and 5, 6 and 8 and 9 respectively but they have not filed counter affidavit so far. No one has entered appearance on behalf of served respondent Nos. 2, 3 and 7 so far. Service of the matter is complete.

It is lastly submitted that no additional documents has been filed in the matter so far.

The matters above-mentioned are listed before the Hon'ble Court with this office report.

DATED THIS THE 1ST DAY OF MARCH, 2016.

ASSISTANT REGISTRAR

Copy to: Mr. Kumar Duashyant Singh, Advocate
Mr. Rakesh K. Sharma, Advocate
Mr. TVS Raghvendra Sreyas, Advocate
Mr. R. Chandrachud, Advocate
Ms. Rohini Musa, Advocate

ASSISTANT REGISTRAR

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