

ITEM NO.88

Court 8 (Video Conferencing)

SECTION IV-A

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). 19775/2021
 (Arising out of impugned final judgment and order dated 26-07-2021
 in MFA No. 2040/2021 passed by the High Court of Karnataka at
 Bengaluru)

NATIONAL HIGHWAYS AUTHORITY OF INDIA

Petitioner(s)

VERSUS

P. NAGARAJU @ CHELUVAIAH & ANR.

Respondent(s)

(IA No. 161280/2021 - MODIFICATION OF COURT ORDER)

WITH

SLP(C) No. 19811/2021 (IV-A)

SLP(C) No. 20762/2021 (IV-A)

(FOR ADMISSION and I.R.)

Date : 17-12-2021 These matters were called on for hearing today.

CORAM : HON'BLE MS. JUSTICE INDIRA BANERJEE
 HON'BLE MR. JUSTICE J.K. MAHESHWARI

For Petitioner(s) Ms. Madhavi Divan, ASG
 Mr. Abhishek Thakur, Adv.
 Mr. Sahil Monga, Adv.
 Ms. Vidushi Jain, Adv.
 Mr. Pradeep Kumar Mathur, AOR
 Mr. Chiranjeev Johri, Adv.

For Respondent(s) Mr. S. Nagamuthu, Sr. Adv.
 Mr. Sharanagouda Patil, Adv.
 Ms. Supreet Sharanagouda, AOR

M/S. S-legal Associates, AOR

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

SLP (C) No. 19775/2021

The special leave petitions were called on for hearing on
 06.12.2021 when this Court passed an order, which was recorded as
 follows :-

"Issue notice.

Ms. Supreeta Sharnagounda and Mr. Naresh Kaushik, learned counsel who are on caveat, accept notice. Let notice be issued to the other respondents.

It is brought to the notice of this Court that 50% of the amount, as determined by the Special Land Acquisition Officer has been deposited.

Let the amount be disbursed to the land owners in the meanwhile.

The petitioner shall deposit the balance amount without prejudice to the rights of the parties.

List on a non-miscellaneous day in the Month of March, 2022."

There was a mistake in the aforesaid order insofar as it recorded that 50% of the amount as determined by the Special Land Acquisition Officer had been deposited. What had been deposited was 50% of the differential amount between the award of the arbitrator and the amount as determined by the Special Land Acquisition Officer.

Ms. Madhavi Divan, learned Additional Solicitor General, submitted that the entire amount as determined by the Special Land Acquisition Officer had been deposited and had also been disbursed to the land owners.

It appears that the special leave petitions were mentioned for rectification of the order dated 06.12.2021. At that time, the Court rectified the order by substituting the words "Special Land Acquisition Officer" with the word "Arbitrator". The sentence read, "It is brought to the notice of this Court that 50% of the amount, as determined by the Arbitrator has been deposited."

Unfortunately, when the order initially passed was corrected the next sentence which read, "Let the amount be disbursed to the land owners in the meanwhile" was not deleted inadvertently.

It was obviously the intention of this Court that the entire amount as determined by the Special Land Acquisition Officer with which there could be no difference should be disbursed to the land owners. Proceeding on the erroneous impression that only 50% of the amount fixed by the Special Land Acquisition Collector had been deposited, we directed the petitioner to deposit the balance 50% and disburse the same to the land owners. It was not the intention of this Court that the amount awarded by the arbitrator, which was in question be disbursed.

It is clarified that the petitioner shall deposit the balance 50% of the differential amount between the amount fixed by the Special Land Acquisition Officer and the amount awarded by the Arbitrator. In other words, the entire differential amount shall be deposited. However, the differential amount need not be disbursed to the land owners.

The hearing of the special leave petitions is preponed to 15.02.2022.

SLP(C) No. 19811/2021 AND SLP(C)No. 20762/2021

Issue notice.

Ms. Supreeta Sharnagounda learned counsel who is on caveat, accept notice.

Let notice be issued to the other respondents, if any.

It is brought to the notice of this Court that the amount as determined by the Special Land Acquisition Officer has been deposited and has also been disbursed to the land owners in full.

The petitioner has deposited 50% of the differential amount between the amount determined by the Special Land Acquisition Officer and the amount awarded by the Arbitrator.

The balance 50% amount shall also be deposited.

This order is without prejudice to the rights and contentions of the respective parties.

List along with other connected matters.

(MANISH ISSRANI)
COURT MASTER (SH)

(MATHEW ABRAHAM)
COURT MASTER (NSH)