

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.4871/2024

(@Petition for Special Leave to Appeal (Civil) No.27365/2017)

THE STATE OF WEST BENGAL & ANR.

Appellant(s)

VERSUS

M/S. DESIRE AGRO RESORTS DEVELOPMENT PRIVATE
LIMITED & ORS.

Respondent(s)

WITH

CIVIL APPEAL NO.4872/2024

(@Petition for Special Leave to Appeal (Civil) No.28628/2017)

O R D E R

1. Leave granted.
2. The impugned orders dated 10-08-2017 and 22-08-2017 passed by the High Court at Calcutta, whereby the M.A.T. No.1558/2017 and M.A.T. No.2029/2016 filed by the appellants - herein were dismissed, are under challenge before this Court.
3. Having heard the learned Senior counsel for the appellants, the learned counsel for respondents at length and after carefully perusing the material placed on record, it appears that the High Court had declared the acquisition proceedings in question as lapsed in view of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. However, it is not disputed by the learned counsels for the parties that in view of the later decision in the case of "Indore Development Authority vs. Manoharlal And Ors. Etc." reported in (2020) 8 SCC (129), the matters are required to be

remitted to the High Court for fresh consideration.

4. In view of the above, the impugned orders passed by the High Court are set aside and the matters are remitted to the High Court for fresh consideration in the light of the Judgment in the case of Indore Development Authority (supra).

5. It is clarified that all contentions including proposal of settlement are kept open to be raised by both the parties as may be legally permissible.

6. The appeals stand disposed of in above terms.

.....J
(BELA M. TRIVEDI)

.....J
(PANKAJ MITHAL)

NEW DELHI
10TH APRIL, 2024.

ITEM NO.55

COURT NO.15

SECTION XVI

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition for Special Leave to Appeal (C) No.27365/2017

(Arising out of impugned final judgment and order dated 10-08-2017 in MAT No. 1558/2016 passed by the High Court at Calcutta)

THE STATE OF WEST BENGAL & ANR.

Petitioner(s)

VERSUS

M/S. DESIRE AGRO RESORTS DEVELOPMENT
PRIVATE LIMITED & ORS.

Respondent(s)

(IA No. 39451/2020 - APPLICATION FOR DISPOSAL OF SLP BY THE RESPONDENT)

WITH

SLP(C) No. 28628/2017 (XVI)

Date : 10-04-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MS. JUSTICE BELA M. TRIVEDI
HON'BLE MR. JUSTICE PANKAJ MITHAL

For Petitioner(s)

Mr. Rakesh Dwivedi, Sr. Adv.
Ms. Astha Sharma, AOR
Mr. Sanjeev Kaushik, Adv.
Mr. Himanshu Chakravarty, Adv.
Mr. Eklavya Dwivedi, Adv.

For Respondent(s)

Mr. Jugul Kishor Gupta, Adv.
Mr. Nischal Kumar Neeraj, AOR
Mr. Shiv Singh Yadav, Adv.

Mr. Zoheb Hossain, AOR
Mr. Vivek Gurnani, Adv.
Mr. Vivek Gaurav, Adv.

Ms. Reshmi Rea Sinha, AOR
Ms. Anupama Srivastava, Adv.

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

1. Leave granted.

2. The appeals are disposed of, in terms of the signed order.
3. Pending applications, if any, shall also stand disposed of.

(VISHAL ANAND)
ASTT. REGISTRAR-cum-PS

(MAMTA RAWAT)
COURT MASTER (NSH)

(Signed Order is placed on the file)