

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

MISCELLANEOUS APPLICATION NO. _____ OF 2025
[DIARY NO.13420/2023]

IN

CIVIL APPEAL NO.6227/2017

DELHI DEVELOPMENT AUTHORITY

APPELLANT

Vs.

EMSONS INTERNATIONAL LTD. AND ORS.

RESPONDENTS

O R D E R

1. Delay condoned.

2. It is pointed out that Civil Appeal No.6621/2024 titled 'Government of NCT of Delhi vs. Emsons International Ltd. and others' stands disposed of by us vide judgment dated 17.05.2024

reported as 'Government of NCT of Delhi and another vs. BSK Realtors LLP and another', (2024) 7 SCC 370, wherein, as Item 14 in Group E of the judgement, the impugned judgement was set aside and the matter was remitted to the High Court for fresh adjudication. It, thus, appears that the issues that arise for consideration have already been identified by us and the matter has accordingly been remanded.

3. In view of the fact that the impugned judgement of the High Court has already been set aside, and the matter is before the High Court, the instant Miscellaneous Application has become infructuous and is disposed of accordingly.

4. It is clarified that in the matter pending before the High Court, all contentions are kept open. The parties shall be at liberty to produce the relevant material before the High Court in respect of the subject-issues, which shall be examined as per their own merits.

5. It goes without saying that if the respondent-owners are able to establish their valid title and/or they are found entitled to receive compensation, they shall be paid such compensation under the 2013 Act in accordance with the procedure contemplated in paragraph 128 of Government of NCT of Delhi through its Secretary, Land and Building Department & another vs. K.L. Rathi Steels Limited and others, (2024) 7 SCC 315. Ordered accordingly.

6. As a result, the pending interlocutory application, if any, also stands disposed of.

.....J.
(SURYA KANT)

.....J.
(DIPANKAR DATTA)

.....J.
(UJJAL BHUYAN)

NEW DELHI;
APRIL 16, 2025

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE/INHERENT JURISDICTION

MISCELLANEOUS APPLICATION NO. _____ OF 2025
[DIARY NO.7295/2024]

IN

CIVIL APPEAL NO.8520/2016

DELHI DEVELOPMENT AUTHORITY

APPELLANT

Vs.

MOHD. NASEEM AND ORS.

RESPONDENTS

WITH

MISCELLANEOUS APPLICATION NO. _____ OF 2025
[DIARY NO.21344/2023]

IN

REVIEW PETITION (C) D. NO.20186/2022

IN

CIVIL APPEAL NO.8917/2016

DELHI DEVELOPMENT AUTHORITY

APPELLANT

Vs.

JAGBIR SINGH AND ORS.

RESPONDENTS

O R D E R

1. Delay condoned.

2. Learned senior counsel/counsel for the parties are ad idem that the issue involved in the instant case squarely falls within the ambit of our decision in Government of NCT of Delhi through its

Secretary, Land and Building Department & another vs. K.L. Rathi Steels Limited and others, (2024) 7 SCC 315.

3. Consequently, the respondent-land owners shall be entitled to compensation under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 in accordance with the procedure prescribed in paragraph 128 of K.L. Rathi (supra), which reads as follows:

128. Under the circumstances, dismissal of the RPs and miscellaneous applications would have been logical and we could have ended our judgment here by ordering so. However, there is something more of a balancing act that needs to be done having regard to the disclosures that were made in course of progress of other proceedings before us, which followed immediately after judgment on this set of RPs and miscellaneous applications was reserved. Such other proceedings arose out of appeals carried from orders of the High Court declaring land acquisition proceedings as lapsed based on the decision in Pune Municipal Corporation (supra) as distinguished from RPs and miscellaneous applications of the nature under consideration. Since all such proceedings have more or less a common genesis and have followed similar trajectory, it would be eminently desirable to find a solution that benefits all. We may hasten to add here that the exercise of inherent powers conferred on this Court by Article 142, in such circumstances, is not just inevitable but also pivotal for disposal of the matters at hand, given their impact on public interest at large as well as to secure uniformity and consistency in our decisions; hence, we consider it expedient to pass such orders or directions for ensuring complete justice in the matters under consideration before us. Notwithstanding our discussion on the reference which was necessitated to answer the question of law on which there was a disagreement between the Hon'ble Judges of the Division Bench, taking an overall and holistic view of the matter and in the light of the larger public interest that is involved, in each of the RPs and miscellaneous

applications that have been dealt with by this judgment (except those remanded to the High Court and those de-tagged for separate listing infra), we issue the following directions:

a) The time limit for initiation of fresh acquisition proceedings in terms of the provisions contained in section 24(2) of the 2013 Act is extended by a year starting from 01st August, 2024 whereupon compensation to the affected landowners may be paid in accordance with law, failing which consequences, also as per law, shall follow;

b) The parties shall maintain status quo regarding possession, change of land use and creation of third-party rights till fresh acquisition proceedings, as directed above, are completed;

c) Since the landowners are not primarily dependent upon the subject lands as their source of sustenance and most of these lands were/are under use for other than agricultural purposes, we deem it appropriate to invoke our powers under Article 142 of the Constitution and dispense with the compliance of Chapters II and III of the 2013 Act whereunder it is essential to prepare a Social Impact Assessment Study Report and/or to develop alternative multi-crop irrigated agricultural land. We do so to ensure that the timeline of one year extended at (a) above to complete the acquisition process can be adhered to by the appellants and the GNCTD, which would also likely be beneficial to the expropriated landowners;

d) Similarly, compliance with sections 13, 14, 16 to 20 of the 2013 Act can be dispensed with as the subject-lands are predominantly urban/semi-urban in nature and had earlier been acquired for public purposes of paramount importance. In order to simplify the compliance of direction at (a) above, it is further directed that every Notification issued under section 4(1) of the 1894 Act in this batch of cases, shall be treated as a Preliminary Notification within the meaning of section 11 of the 2013 Act, and shall be deemed to have been published as on 01st January, 2014;

e) The Collector shall provide hearing of objections as per section 15 of the 2013 Act without insisting for any Social Impact Assessment Report and shall, thereafter, proceed

to take necessary steps as per the procedure contemplated under section 21 onwards of Chapter-IV of 2013 Act, save and except where compliance of any provision has been expressly or impliedly dispensed with;

f) The landowners may submit their objections within a period of four weeks from the date of pronouncement of this order. Such objections shall not question the legality of the acquisition process and shall be limited only to clauses (a) and (b) of section 15(1) of the 2013 Act;

g) The Collector shall publish a public notice on his website and in one English and one vernacular newspapers, within two weeks of expiry of the period of four weeks granted under direction (f) above;

h) The Collector shall, thereafter, pass an award as early as possible but not exceeding six months, regardless of the maximum period of twelve months contemplated under section 25 of the 2013 Act. The market value of the land shall be assessed as on 01st January, 2014 and the compensation shall be awarded along with all other monetary benefits in accordance with the provisions of the 2013 Act except the claim like rehabilitation etc.;

i) The Collector shall consider all the parameters prescribed under section 28 of the 2013 Act for determining the compensation for the acquired land. Similarly, the Collector shall determine the market value of the building or assets attached with the land in accordance with section 29 and shall further award solatium in accordance with section 30 of the 2013 Act;

j) In the peculiar facts and circumstances of this case, since it is difficult to reverse the clock back, the compliance of Chapter (V) pertaining to "Rehabilitation and Resettlement Award" is hereby dispensed with; and

k) The expropriated landowners shall be entitled to seek reference for enhancement of compensation in accordance with Chapter-VIII of the 2013 Act.

4. It is clarified that the extension of one year, as granted to the Authorities for completion of acquisition in sub-para (a) reproduced above, will commence from the date of this order.

5. The Miscellaneous Applications are, accordingly, disposed of.

6. As a result, pending interlocutory applications, if any, also stand disposed of.

.....J.
(SURYA KANT)

.....J.
(DIPANKAR DATTA)

.....J.
(UJJAL BHUYAN)

NEW DELHI;
APRIL 16, 2025

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

MISCELLANEOUS APPLICATION..... Diary No(s).27415/2023

[Arising out of impugned final judgment and order dated 13-03-2023 in C.A. No.1616/2023 passed by the Supreme Court of India]

GOVERNMENT OF NCT OF DELHI & ORS.

Petitioner(s)

VERSUS

JAI PAL

Respondent(s)

(IA No.166957/2023 - CONDONATION OF DELAY IN FILING, IA No.166958/2023 - EXEMPTION FROM FILING PAPER BOOKS, IA No.130925/2023 - RECALLING THE COURTS ORDER)

WITH

Diary No(s).13420/2023 (XIV-A)

(IA No.131237/2023 - CONDONATION OF DELAY IN FILING, IA No.66347/2023 - RECALLING THE COURTS ORDER)

Diary No(s).7295/2024 (XIV-A)

(IA No. 40166/2024 - CONDONATION OF DELAY IN FILING, IA No.40160/2024 - RECALLING THE COURTS ORDER)

Diary No(s).21344/2023 (XIV-A)

(IA No.105106/2023 - CONDONATION OF DELAY IN FILING, IA No.105108/2023 - EXEMPTION FROM FILING O.T., IA No. 105101/2023 - RECALLING THE COURTS ORDER)

Date : 16-04-2025 These matters were called on for hearing today.

**CORAM : HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE DIPANKAR DATTA
HON'BLE MR. JUSTICE UJJAL BHUYAN**

For Petitioner(s) :M/s. Saharya & Co., AOR

**Mr. Sanjay Poddar, Sr. Adv.
Ms. Malvika Kapila, AOR
Ms. Tanwangi Shukla, Adv.
Ms. Harbani Shinh, Adv.
Ms. Apoorva Jain, Adv.**

**Mr. Sanjay Parikh, Sr. Adv.
Mr. Pukhrambam Ramesh Kumar, AOR
Mr. Karun Sharma, Adv.**

Mr. Satiwik Parikh, Adv.
Ms. Anupama Ngangom, Adv.
Ms. Rajkumari Divyasana, Adv.

Mr. Nishit Agrawal, AOR

Ms. Sujeeta Srivastava, AOR

Mr. Sanjay Poddar, Sr. Adv.
Mr. Nitin Mishra, AOR
Mr. Ishaan Sharma, Adv.
Ms. Mitali Gupta, Adv.
Ms. Sambhavi Sharma, Adv.
Mr. Govind Kumar, Adv.

For Respondent(s) : Mr. Rajender Pd. Saxena, AOR

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

Diary No(s).27415/2023

1. The matters mentioned in the order dated 05.03.2025 are not being listed despite a clear direction issued on the previous date.
2. The Registrar (Judicial) will ensure listing of all the matters on the next date of hearing.
3. Post this matter along with Diary No.36411/2024 and other connected matters on 23.07.2025.

Diary No.13420/2023, Diary No.7295/2024 & Diary No.21344/2023

4. Delay condoned.
5. The Miscellaneous Applications are disposed of in terms of the signed order.
6. All pending applications, if any, also stand disposed of.

(ARJUN BISHT)

ASTT. REGISTRAR-cum-PS

(signed order in D. No.13420/23, D No.7295/24 & D. No.21344/23 is placed on the file)

(PREETHI T.C.)

ASSISTANT REGISTRAR