

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

Civil Appeal No. 187/2018
(Arising out of SLP(C) No. 30517/2014)

JAYANTIBHAI CHELABHAI PRAJAPATI

Appellant

VERSUS

SARDAR SAROVAR NARMADA NIGAM LIMITED

Respondent

O R D E R

Leave granted.

This Court on 31.3.2017 has passed the following
order:-

"Heard Mr. Santosh Krishnan, learned counsel for the petitioner and Mr. Preetesh Kapoor, learned counsel for the respondent.

Having heard learned counsel for the parties, we think it appropriate to give another opportunity to the petitioner, subject to the following conditions:-

(a) The petitioner shall deposit a sum of Rs.75,00,000/- (Rupees seventy five lakhs only) before the Registry of this Court within six weeks hence.

(b) The petitioner shall submit all the applications for clearance, as required under law, before the competent authorities indicating that the said authorities shall apply their mind and deal with the clearance as if there has been no adverse remarks or order against the petitioner.

(c) The applications shall be considered if the petitioner produces the receipt of Rs.75,00,000/- that has been directed to be deposited before the Registry.

(d) The competent authority shall dispose of the applications filed by the petitioner within four weeks.

(e) If the permission is granted, the petitioner shall complete the construction on the basis of the original allotment within a span of 180 days.

Needless to say, if the petitioner does not deposit the sum of Rs.75,00,000/- in this Court, the special leave petition shall stand dismissed without further reference to this Court. If the amount is deposited, the matter shall be listed in the second week of July, 2017."

In pursuance of the above mentioned order, the appellant has deposited Rs.75,00,000/- (Rupees seventy five lakhs only) with the Registry of this Court, and has also submitted a representation to the competent authority, namely, Ahmedabad Urban Development Authority. The representation has been rejected.

We are not inclined to enter into the merit of the rejection of the representation.

At this juncture, Mr. Santhosh Krishnan, learned counsel for the appellant would submit that he would like to put the controversy at rest, if the amount that has been deposited in this Court is refunded, and the amount that has been deposited before the respondent is refunded with some reasonable interest.

Mr. Preetesh Kapoor assisted by Ms. Jesal Wahi, learned counsel appearing for the respondents submits that under clause 13 of the lease deed, the amount was to be forfeited and the High Court has correctly recorded so.

Taking note of the fact that the High Court has granted status quo and matter remained pending and we tried

to sort out the problem that has arisen by our order dated 31.3.2017, we think it appropriate to dispose of the appeal in the following terms:-

(a) Rs.75,00,000/- (Rupees seventy five lakhs only) that is lying with the Registry of this Court be refunded alongwith accrued interest to the appellant on proper identification.

(b) Out of the sum of Rs.1,00,00,000/- (Rupees one crore only) that is lying in deposit with the respondent, Rs.25,00,000/- (Rupees twenty five lakhs only) be forfeited in the special facts and circumstances of the case and Rs.75,00,000/- (Rupees seventy five lakhs only) be refunded within four weeks hence. Needless to say, Rs.75,00,000/- (Rupees seventy five lakhs only), which is deposited with the respondent shall not carry any interest.

The present order is being passed in the peculiar facts and circumstances of the case.

With the aforesaid modification in the order passed by the High Court, the appeal is disposed of. There shall be no order as to costs.

.....CJI.
[Dipak Misra]

.....J.
[A.M. Khanwilkar]

.....J.
[Dr. D.Y. Chandrachud]

New Delhi;
January 11, 2018.

ITEM NO.16

COURT NO.1

SECTION III

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. 30517/2014

(Arising out of impugned final judgment and order dated 06-08-2014 in SCA No. 4753/2011 passed by the High Court Of Gujarat At Ahmedabad)

JAYANTIBHAI CHELABHAI PRAJAPATI

Petitioner

VERSUS

SARDAR SAROVAR NARMADA NIGAM LIMITED

Respondent

Date : 11-01-2018 This matter was called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

For Petitioner Mr. Santhosh Krishnan, Adv.
 Mr. Nikhil Goel, AOR
 Ms. Naveen Goel, Adv.
 Mr. Ashutosh G., Adv.

For Respondent Mr. Preetesh Kapoor, Adv.
 Ms. Hemantika Wahi, AOR
 Ms. Jesal Wahi, Adv.
 Ms. Mamta Singh, Adv.
 Ms. Shodhika Sharma, Adv.

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

Leave granted.

The appeal is disposed of in terms of the signed order.

Pending interlocutory applications, if any, also stand disposed of.

(Deepak Guglani)
Court Master

(H.S. Parasher)
Assistant Registrar

(Signed order is placed on the file)