

The Executive Engineer, Goshikhurd ... vs Sudhakar on 14 January, 2020

Bench: Uday Umesh Lalit, Indu Malhotra

ITEM NO.1

COURT NO.6

SECTION IX

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

Petition for Special Leave to Appeal (C) Nos.13089-13090/2018

(Arising out of impugned final judgment and order dated 23-11-2017 in MCA No.22753/2017, 27-07-2017 in WP No.2973/2015 passed by the High Court Of Judicature At Bombay At Nagpur)

THE EXECUTIVE ENGINEER,
GOSHIKHURD PROJECT AMBADI (BHANDARA) ETC. ETC.

Petitioner(s)

VERSUS

SUDHAKAR & ORS.

Respondent(s)

WITH
SLP(C) Nos.13093-13094/2018 (IX)

Date : 14-01-2020 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT
HON'BLE MS. JUSTICE INDU MALHOTRA

Counsel for the Parties:

Mr. C.U. Singh, Sr. Adv.
Mr. Nitin Mishra, Adv.
Ms. Mitali Gupta, Adv.
Mr. Amjad Maqbool, Adv.
Mr. Rajat Sehgal, AOR

Mr. V. Giri, Sr. Adv.
Mr. Nitin Mishra, Adv.
Mr. Amith Krishnan, Adv.
Mr. Mandavya Kapoor, Adv.
Ms. Mitali Gupta, Adv.
Mr. Rajat Sehgal, AOR

Mr. B.H. Marlapalle, Sr. Adv.

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MUKESH KUMAR
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Mr. Dilip Annasaheb Taur, AOR
Mr. Pradeep S. Kshirsagar, Adv.

Mr. Amol V. Deshmukh, Adv.

Mr. Rahul Chitnis, Adv.
Mr. Aaditya A. Pande, Adv.
Mr. Sachin Patil, AOR

Mr. Nishant Ramakantrao Katneshwarkar, AOR

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

Mr. C.U. Singh and Mr. V. Giri, learned Senior Counsel appearing for Vidarbha Irrigation Development Corporation (User Agency) prayed for leave to amend the Special Leave Petitions to incorporate a submission based on Section 24(1)(a) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short “2013 Act”). It was submitted by the learned Senior Counsel that if no award was made under Section 11 of the Land Acquisition Act, 1894 (for short “1894 Act”) as on date when 2013 Act came into force, by virtue of sub-clause (a) of sub-section (1) of Section 24, all provisions of 2013 Act relating to the determination of compensation must apply.

Thus, according to the learned Counsel, the governing principle for computation would therefore be under 2013 Act and the principle emanating from Section 11A of 1894 Act would not get attracted at all.

It was also submitted that the proviso to Section 25 of 2013 Act enabled the State Government to extend the period if in its opinion the circumstances existed justifying the same and the notifications issued by the State Government were in due exercise of the powers so conferred by the proviso to Section 25 of 2013 Act.

The petitioners are granted liberty to amend their special leave petitions and incorporate additional grounds. Let the amended memo be filed within two weeks from today. Liberty is granted to the respondents to file their affidavits in response within two weeks thereafter.

Mr. Rahul Chitnis, learned Advocate appearing for the State submitted that the State be given some time to file an affidavit indicating the steps taken in pursuance of the direction issued by the High Court and also to place on record the affidavit placed before the High Court. Liberty is granted.

Since all the relevant documents are part of the Special Leave Petition (Civil)

Nos.13093-13094/2018, the same be taken as the lead matter.

List the matter for further consideration on 25.02.2020.

(MUKESH NASA)
COURT MASTER

(SUMAN JAIN)
BRANCH OFFICER