

ITEM NO.13

COURT NO.3

SECTION IV-B

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). 7220-7221/2017

(Arising out of impugned final judgment and order dated 29-04-2016 in CWP No. 19148/2010 29-04-2016 in COCP No. 1135/2012 passed by the High Court Of Punjab & Haryana At Chandigarh)

MUNICIPAL CORPORATION FARIDABAD

Petitioner(s)

VERSUS

KHORI GAON RESIDENTS WELFARE ASSOCIATION
 (REGD.) THR ITS PRESIDENT & ORS.
 INTERLOCUTORY APPLICATION NO. 57354/2017

Respondent(s)

(APPLICATION FOR DIRECTION, FILED BY MR. NIKLESH RAMCHANDRAN,
 ADVOCATE)

AND

INTERLOCUTORY APPLICATION NOS.D89573 AND D89574/2020 (DEFECTIVE)
 (APPLICATIONS FOR IMPLEADMENT AND DIRECTION, FILED BY MR. SATYA
 MITRA, ADVOCATE)

AND

INTERLOCUTORY APPLICATION NO. D91893/2020 (DEFECTIVE)
 (APPLICATION FOR IMPLEADMENT, FILED BY MR. BINAY KR. DAS, ADVOCATE)

AND

INTERLOCUTORY APPLICATION NOS. 90923 AND 91157/ 2021
 (APPLICATIONS FOR INTERVENTION AND DIRECTION, FILED BY MR. TEJASWI
 PRADHAN, ADVOCATE)

AND

INTERLOCUTORY APPLICATION NOS. 94717, 94719 AND 94720 OF 2021
 (APPLICATIONS FOR INTERVENTION, DIRECTION AND EXEMPTION FROM FILING
 AFFIDAVIT, FILED BY MR. SATYA MITRA, ADVOCATE)

AND

INTERLOCUTORY APPLICATION NOS. 94724 AND 101155 OF 2021
 (APPLICATIONS FOR PERMISSION TO FILE ADDITIONAL DOCUMENT, FILED BY
 MR. TEJASWI PRADHAN, ADVOCATE)

AND

INTERLOCUTORY APPLICATION NOS. 101159 AND 101169 OF 2021
 (APPLICATIONS FOR INTERVENTION AND DIRECTION, FILED BY MR. TEJASWI
 PRADHAN, ADVOCATE)

AND

INTERLOCUTORY APPLICATION NOS. 103153 AND 103155 OF 2021
 (APPLICATIONS SEEKING PERMISSION TO FILED ADDITIONAL DOCUMENTS AND
 EXEMPTION FROM FILING AFFIDAVIT, FILED BY MR. SATYA MITRA,
 ADVOCATE)

AND

INTERLOCUTORY APPLICATION NOS. 109328, 109330 AND 109331 OF 2021
 (APPLICATIONS FOR IMPLEAMMENT, DIRECTION AND EXEMPTION FROM FILING
 OFFICIAL TRANSLATION, FILED BY MR. SMARHAR SINGH, ADVOCATE)

AND
 INTERLOCUTORY APPLICATION NOS. D110209 AND D110223/2021S
 (DEFECTIVE)
 (APPLICATIONS FOR INTERVENTION AND DIRECTION, FILED BY MR. V.
 ELANCHEZHIAN, ADVOCATE)
 AND
 INTERLOCUTORY APPLICATION NO. 110714 OF 2021
 (APPLICATION FOR PERMISSION TO FILE ADDITIONAL DOCUMENT ON BEHALF
 OF THE APPLICANTS IN I. A. NO. 101169 OF 2021, FILED BY MR. TEJASWI
 KUMAR PRADHAN, ADVOCATE)
 AND
 INTERLOCUTORY APPLICATION NOS. 112022 AND 112023 OF 2021
 (APPLICATIONS FOR INTERVENTION AND DIRECTION, FILED BY MR. AMIY
 SHUKLA, ADVOCATE)
 AND
 INTERLOCUTORY APPLICATION NOS. 130271 AND 130276 OF 2021
 (APPLICATIONS FOR INTERVENTION AND DIRECTION, FILED BY MR. VAIBHAV
 NITI, ADVOCATE)
 AND
 INTERLOCUTORY APPLICATION NOS. 137085 & 137086
 (APPLICATION FOR PERMISSION TO FILE APPLICATION FOR IMPEADMENT AND
 APPLICATION FOR IMPEADMENT TO IMPEAD THE APPLICANTS AS
 RESPONDENTS.)
 AND
 INTERLOCUTORY APPLICATION NOS. 159231/2021
 (APPLICATION FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS)
 AND
 INTERLOCUTORY APPLICATION NOS. 70874, 70876, 72209/2022
 (APPLICATIONS FOR INTERVENTION, DIRECTION, EXEMPTION FROM FILING
 OFFICIAL TRANSLATION FILED BY MS. MAYURI RAGHUVANSHI, ADVOCATE)

WITH

W.P.(C) No. 788/2021 (X)

The matter pertains to issue of demolition

IA No. 6443/2022 - APPLICATION FOR PERMISSION

IA No. 84840/2021 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 161770/2021 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 145048/2021 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 105404/2021 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 9573/2022 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 137687/2022 - CLARIFICATION/DIRECTION

IA No. 161771/2021 - EXEMPTION FROM FILING O.T.

IA No. 105406/2021 - EXEMPTION FROM FILING O.T.

IA No. 137689/2022 - EXEMPTION FROM FILING O.T.

IA No. 92555/2021 - EXEMPTION FROM FILING O.T.

IA No. 92554/2021	-	PERMISSION	TO	FILE	ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES					

IA No. 84845/2021	-	PERMISSION	TO	FILE	ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES					

IA No. 105412/2021	-	PERMISSION	TO	FILE	ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)					

W.P.(C) No. 657/2021 (PIL-W)
 (THIS MATTER PERTAIN TO ISSUE OF "DEMOLITION"
 IA No. 68638/2021 - EXEMPTION FROM FILING ATTESTED AFFIDAVIT)

Date : 13-10-2022 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
 HON'BLE MR. JUSTICE ABHAY S. OKA

For Petitioner(s) Mr. Sanjay Parikh, Sr. Adv.
 Ms. Srishti Agnihotri, AOR
 Ms. Tripti Poddar, Adv.
 Mr. Satwik Parikh, Adv.
 Ms. Sanjana Grace Thomas, Adv.
 Ms. Mantika Vohra, Adv.

Mr. Vishwa Pal Singh, AOR

Ms. Amiy Shukla, AOR

For Respondent(s) Mr. Vedant Singh, AOR

Mr. B.K. Satija, AAG
 Mr. Sanjay Kumar Visen, AOR
 Mr. Satish Kapoor, Adv.
 Ms. Noopur Singhal, Adv.
 Mr. Rahul Khurana, Adv.

Mr. B. K. Satija, AOR

Mr. Vishwa Pal Singh, AOR

Mr. Amrish Kumar, AOR

Mr. Sanjay Upadhyay, Adv
 Ms. Mayuri Raghuvanshi, AOR
 Mr. Soumitra Jaiswal, Adv.
 Mr. Shubham Upadhyay, Adv.

Mr. Kamendra Mishra, Adv.
 Ms. Vimla Sinha, Adv.
 Mr. Manish, Adv.
 Mr. Sugosh Subramanian, Adv.
 Mr. Sanad Kr. Singhanian, Adv.
 Ms. Neela Kedar Gokhale, Adv.
 Mr. Bhuvan Mishra, Adv.
 Mr. Anirudh Sharma, Adv.
 Mr. Sudarshan K., Adv.
 Mr. Sumit Teterwal, Adv.
 Mr. Chinmayee Chandra, Adv.
 Mr. Gurmeet Singh Makker, AOR

Mr. Amrish Kumar, AOR

Mr. Vaibhav Niti, AOR

Ms. Amiy Shukla, AOR

Mr. Vikas Verma, Adv.

Ms. Sapna Verma, Adv.

Mr. Shafiq Ahmed, Adv.

Mr. Mayank Chaudhary, Adv.

Mr. Tusha Chawla, Adv.

Mr. Ram Anugrah Singh, Adv.

Mr. Deepak Kumar, Adv.

Mr. V. Elanchezhiyan, AOR

Mr. Smarhar Singh, AOR

Mr. Tejaswi Kumar Pradhan, AOR

Mr. Ram Ekbal Roy, Adv.

Mr. Sunil Kumar Jha, Adv.

Ms. Neha Das, Adv.

Mr. Binay Kumar Das, AOR

Mr. Birendra Prasad Singh, Adv.

Mr. Satya Mitra, AOR

Mr. Bijender Singh Chaudhary, Adv.

Mr. Hitesh Kumar Sharma, Adv.

Mr. S.K. Rajora, Adv.

Mr. Akhileshwar Jha, Adv.

Ms. Yamini Sharma, Adv.

Ms. Niharika Dwivedi, Adv.

Mr. Anubhav Gupta, Adv.

Mr. C.M. Jha, Adv.

Mr. Anil Kumar, AOR

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

It is pointed out that in view of the orders passed from time to time, the only applications on which the orders are required to be passed today are IA No.137687/2022 and I.A. No.137689/2022 and the second set of applications being IA No.70874/2022 and IA No.70876/2022.

As result of the aforesaid, all other pending applications stand disposed of.

Applications for exemption from filing official translation, permission to file additional documents/facts/annexures, affidavit and permission to file additional documents are allowed.

IA NO.137687/2022

Heard learned counsel for the parties and perused the photographs.

The photographs reflect a poor level of development/furnishing *prima facie*.

Learned counsel for the Corporation submits that some people have shifted into the premises but there are other parts of the buildings where the condition was not good but it is his say that now everything is done.

It is also submitted by learned counsel for the respondent that insofar as the solatium of Rs.2,000/- per month for six months is concerned, such of the allottees who have provided their bank accounts, the amounts have been transmitted but some of them and have not provided their bank accounts.

Needless to say that the amounts can only be remitted if bank accounts are provided. We, however, clarify that in view of the order dated 26.04.2022, the solatium of Rs.2,000/- per month is to continue till such time as the flats are not in habitable

condition.

The crux of the problem is that it has to be found out as to whether the problem persists in all flats or some flats and the nature of the problem i.e. whether they are habitable or not. Thus, such of the flats which are not habitable, the payment of solatium would be liable to be continued.

In order to determine as to what is the position of the allotted flats numbering 1069 in 40 different towers, it would be appropriate to have an inspection carried out to submit a report to this Court with photographs.

It would be necessary to appoint a Structural Engineer who would carry out the task within four weeks of the receipt of our order and the expenses for the same shall be borne by the Corporation. As recommended, we appoint Mr. Kastur Chakraborty as the Structural Engineer (Email:- kastur.chakraborty@gmail.com and kchakraborty@miyamotointernational.in, Phone No.9667172345) and Ms. Ipsita Mondal, B.Arch-SPA, Delhi M. Arch (Urban Design) Bartlett, UCL, London, Chevening Scholar 2015, Visiting Faculty at SPA, Delhi, Former Faculty at Sushant University, Gurgaon, email: ipsita@imdesign.co.in, .

The representatives of both the petitioners and the Corporation would be permitted at the time of the

inspection.

The report be submitted within six weeks thereafter.

Such of the allottees/petitioners who have not collected their allotment letters should collect their allotment letters and the issue of solatium will be dealt with depending on the report.

The allotment letters be now collected within a period of four weeks from today.

The public notice seeking cancellation may not be given effect to subject to the compliance as set out aforesaid.

List after eight weeks.

IA NOS.70874/2022 & 70876/2022

We are not inclined to entertain these applications in the present proceedings.

It is open to the applicant(s) to work out their remedies in accordance with law.

The applications stand dismissed with the aforesaid liberty.

(ASHA SUNDRIYAL)
ASTT. REGISTRAR-cum-PS

(POONAM VAID)
COURT MASTER (NSH)