

ITEM NO.4

COURT NO.10

SECTION IX

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

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 14701/2018

(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)  
Petitioner(s)

VERSUS

SUDHAKAR & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.61426/2018-CONDONATION OF DELAY IN FILING and IA No.61427/2018-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.61428/2018-EXEMPTION FROM FILING O.T.)

WITH

Diary No(s). 14699/2018 (IX)

(FOR ADMISSION and I.R. and IA No.61330/2018-CONDONATION OF DELAY IN FILING and IA No.61333/2018-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.61334/2018-EXEMPTION FROM FILING O.T.)

Date : 11-05-2018 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ADARSH KUMAR GOEL  
HON'BLE MS. JUSTICE INDU MALHOTRA

For Petitioner(s)      Mr. K.V. Vishwanathan, Sr. Adv.  
                                 Mr. C.U. Singh, Sr. Adv.  
                                 Mr. Nitin Mishra, Adv.  
                                 Ms. Payal A. Adv.  
                                 Mr. Rajat Sehgal, AOR

For Respondent(s)      Mr. Dilip Annasaheb Taur, AOR

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

Heard learned counsel for the parties.

Delay condoned.

Submission in these matters is that having regard to the fact that acquisition is for the irrigation project, as many as 68% affected land owners have already accepted compensation and the challenge is only by some of the affected parties, the concept of moulding the relief needs to be considered so that the date of acquisition can be advanced, in case it is found Section 11-A is attracted and the award is beyond the statutory period.

Issue notice.

Mr. Dilip Annasaheb Taur, Advocate has filed caveat in SLP(C)D.No. 14699 of 2018 on behalf of Respondent No.1. He accepts notice.

Let other respondents be served dasti by the petitioner(s).

Liberty to serve standing counsel for the State.

Liberty also to serve the advocates for the respondents who appeared before the High Court.

In the meanwhile, there shall be stay of operation of the impugned order.

The petitioner(s) will be at liberty to raise the height of the water level so that the irrigation project is not obstructed. This will be subject to such further order(s) as may be passed in the matter by this Court.

It has been stated that a sum of Rs. 73,00,00,000/-approximately (Rupees seventy three crores) has been deposited with the SLAO concerned. The respondents are

at liberty to withdraw the said amount without prejudice to their rights and contentions.

List the matter on 5<sup>th</sup> September, 2018 for final disposal.

(MADHU BALA)  
COURT MASTER (SH)

(PARVEEN KUMARI PASRICHA)  
BRANCH OFFICER