

ITEM NO.1 Court 4 (Video Conferencing) SECTION XIV

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). 9080/2020

(Arising out of impugned final judgment and order dated 06-02-2020 in WP(C) No. 8615/2019 passed by the High Court Of Delhi At New Delhi)

RIHANA BEGAM (WIDOW) Petitioner(s)

VERSUS

UNION OF INDIA & ORS. Respondent(s)

IA No. 129571/2020 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 129576/2020 - EARLY HEARING APPLICATION
IA No. 129577/2020 - EXEMPTION FROM FILING O.T.
IA No. 129574/2020 - MODIFICATION OF COURT ORDER)
IA No.136357/2020-PERMISSION TO PLACE ADDITIONAL FACTS AND GROUNDS
IA NO.137175/2020-APPROPRIATE ORDERS/DIRECTIONS
IA NO.110/2021- INITIATING CRIMINAL PROCEEDINGS U/S 340 OF CRPC
IA NO.149/2021-RECALLING THE COURTS ORDER
IA NO.152/2021-APPROPRIATE ORDERS/DIRECTIONS
IA D NO.670/2021PERMISSION TO PLACE ADDITIONAL FACTS AND GROUNDS

Date : 07-01-2021 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE MR. JUSTICE KRISHNA MURARI

For Petitioner(s) Mr. R.D. Rana, Adv.
Ms. Sadiya Shakeel, Adv.
Mr. Aftab Ali Khan, AOR

For Respondent(s) Mr. Vikramjit Banerjee, ASG
Ms. Garima Prasad, Adv.
Mr. Divyansh H. Rathi, Adv.
Mr. Raj Bahadur Yadav, AOR

Ms. Binu Tamta, AOR

Mr. Tarun Johri, AOR

Mr. Md. Azam Ansari, Adv. In-person
Mr. Md. Ashfaque Ansari, Adv.
Mr. Md. Shahnawaz Alam, Adv.

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

Heard counsel for the parties.

The core issue involved in this special leave petition is for grant of enhanced compensation.

The petitioner had also set up additional claim of Rs.20,000/- (Rupees twenty thousand only) towards shifting expenses. This claim, however, is refuted by Respondent No.3 (Delhi Metro Rail Corporation Ltd.) on the argument that in the present case eviction is under the Public Premises Act whereunder such claim is not tenable. We agree with this stand.

Reverting to the principal claim of enhanced compensation, during the pendency of the special leave petition, Respondent No.3 had deposited Rs.72,00,000/- (Rupees seventy two lakhs only) as per the revised compensation scheme propounded by the Authority as is applied uniformly to all the project affected persons similarly placed.

The said amount is lying in the Supreme Court Registry.

It is open to the petitioner to withdraw the same. If there is any objection for such withdrawal

at the instance of any third party, the same be submitted in the Registry within ten days from today. The Registry may then transfer the deposit amount along with accrued interest thereon to the account of the Estate Officer as also all the objections received in the Registry, who (Estate Officer) may then examine the claim of the third party and disburse the amount to the petitioner after proper scrutiny and identity of the petitioner. In other words, the Estate Officer shall disburse the amount to eligible person(s) entitled for the compensation amount in respect of the subject structure, which stands demolished by Respondent No.3.

Mr. Azam Ansari, advocate (intervener), appearing-in-person in the matter, submits that his legal/professional fee has not been settled by the petitioner. We need not examine this issue in the present proceedings. It will be open to the advocate to set up his claim before the Estate Officer if the amount stands transferred to the Estate Officer in terms of this order, who may examine the claim of the advocate and decide as per law. In the event, the Estate Officer declines

relief to the intervener, it will be open to him to pursue such other remedy as may be permissible in law for recovery of his legal fee. We are not expressing any opinion about the correctness of the claim of the intervener or any other party in that regard. If the Estate Officer rejects claim of any intervener or third party, they would also be free to take recourse to other appropriate proceedings as may be permissible in law.

Accordingly, we proceed to pass the following order:

- (i) Third party having objection to the withdrawal of the amount by the petitioner, must register the same in the Registry within ten days from today.
- (ii) If no objection is received from third party within ten days, the Registry shall pay the amount lying deposited in this Court along with accrued interest thereon to the petitioner upon a formal application made in that behalf. After due verification of the claim and identity of the petitioner, the amount be transferred directly in the bank account of the petitioner subject to

verification. In that event, the intervener shall take recourse to appropriate remedy for recovery of professional fee as may be permissible by law.

(iii) If petitioner fails to make application for withdrawal of the amount within fifteen days from today, the Registry shall transfer the amount along with accrued interest thereon to the account of the Estate Officer, who may then disburse the same to the petitioner or any other eligible person(s) in accordance with law after due verification of the identity and as per the disbursal rules, if any.

(iv) If any objection is received from the third party within ten days as aforesaid, the Registry may transfer the amount along with accrued interest thereon to the account of the Estate Officer as also the objection received from the third party, who (Estate Officer) may verify their claim and after giving opportunity to the petitioner, pass appropriate directions regarding disbursal in accordance with law. After such order is

passed, the amount be disbursed directly in the bank account of the eligible person(s).

- (v) If the intervener/third party is not satisfied with the decision of the Estate Officer regarding disbursement of the amount, may take recourse to other appropriate remedy as may be permissible in law.

The special leave petition and pending applications are disposed of in the above terms.

(NEETU KHAJURIA)
COURT MASTER

(VIDYA NEGI)
COURT MASTER