

\200/1

ITEM NO.14

COURT NO.5

SECTION XV

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

RECORD OF PROCEEDINGS

CONMT.PET.(C) No. 97/2016 In C.A. No. 5010/2014

M/S VARDHA ENTERPRISES PVT LTD

Petitioner(s)

VERSUS

RAM NIWAS MEHTA AND ORS

Respondent(s)

(With appln(s) for directions, exemption from filing O.T. and office report)

WITH

I.A. nos. 9 & 10 in C.A. No. 5010/2014

(With appln.(s) for directions and amendment of cause title and Office Report)

CONMT.PET.(C) No. 258/2016 In C.A. No. 5010/2014

(Office Report)

Date : 12/05/2016 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J. CHELAMESWAR

HON'BLE MR. JUSTICE ABHAY MANOHAR SAPRE

For Petitioner(s)

CP(C) no. 97/2016 & Mr. Nidesh Gupta, Sr. Adv.

IA no. 9-10/2016 in Mr. Ravindra Keshavrao Adsure, Adv.

CA no. 5010/2014 Mr. Anand Landge, Adv.

CP(C) no.258/2016 Mr. Gurukrishna Kumar, Sr. Adv.

Mr. Ravindra Keshavrao Adsure, Adv.

Mr. Anand Landge, Adv.

IA no. 11/2016 in Mr. Rajiv Dutta, Sr. Adv.

CA no. 5010/2014 Mr. Ravindra Keshavrao Adsure, Adv.

Mr. Anand Landge, Adv.

IA no. 4-5/2016 & Mr. B. Adinarayana Rao, Sr. Adv.

IA no. 6-7/2016 in Mr. Ravindra Keshavrao Adsure, Adv.

CP(C) no. 97/2016 Mr. Anand Landge, Adv.

2

For Respondent(s) Mr. Tushar Mehta, ASG

Mr. Shiv Mangal Sharma, AAG

Mr. Shrey Kapoor, Adv.

Mr. Saransh Kumar, Adv.

Mr. Sitiesh Narayan Singh, Adv.

M/s Aura & Co., Adv.

Ms. Ruchi Kohli, Adv.

Mr. Shivaji M. Jadhav, Adv.

Mr. Venkateswara Rao Anumolu, Adv.

Mr. Goli Rama Krishna, Adv.

Mr. J.N. Singh, Adv.

Ms. Aruna Gupta, Adv.

Ms. Pragati Neekhara, Adv.

Mr. K.B. Rohtagi, Adv.

Mr. Mahesh Kasana, Adv.

Ms. Aparna Rohatgi Jain, Adv.

Mr. G.R. Naik, Adv.

Mr. Shreekant N. Terdal, Adv.

UPON hearing the counsel the Court made the following

O R D E R

IA no. 9 of 2016 in a disposed of Civil Appeal no. 5010 of 2014 is filed during the pendency of contempt petition no. 97 of 2016 wherein allegations have been made that the final orders in Civil Appeal No. 5010 of 2014 have been deliberately violated. The above mentioned IA is

filed with 9 prayers. Prayers (f) & (g) read as follows:-

â S (f) issue interim direction against respondents to restore existing haul road along with Hotel ramp and permit the petitioner to use the same as mentioned in registered bhupatta(which submerges only when Udaisagar Lake reaches FTL from Village Tilakheda to

3

Hotel Plot for implementing (2014) 8 SCALE 562 & (2014) 12 SCALE 526 and since (2014) 4 WLC 435 & (2011) 11 SCC 396 are not applicable; (g) Issue interim direction against respondents to permit petitioner to construct & complete (a) Motel at Panwadi as per drawing submitted on 12.10.2011, (b) Jetties, RCC retaining walls and ramps at Panwadi & Tilakheda as per drawings submitted on 23.12.2015, 28.12.2015 and as per Jetty permission dated 19.5.2015 for implementing (2014) 8 SCALE 562 & (2014) 12 SCALE 526 and since (2014) 4 WLC 435 & (2011) 11 SCC 396 are not applicable.â~ \235

Mr. Nidhesh Gupta, learned senior counsel for the petitioner submitted that in view of the fact that once the monsoon sets in, the petitioner will not be able to construct the ramps referred to in the above-mentioned prayers and the Petitioner be permitted to construct the ramps at their own risk in the sense that in the event of the petitioner failing in the instant application after the hearing, the petitioner undertakes to demolish the constructions made pursuant to the interim orders of the Court, if any, passed in the instant application. Heard learned Additional Solicitor General for the respondents. Learned ASG raised certain objections regarding the maintainability of the IA itself in view of the fact that application is in the disposed of appeal and that same matter to be examined on a regular hearing. Since the Court is closing for summer vacation, we deem it appropriate to make some interim arrangement having

4

regard to the various facts and circumstances mentioned above.

In the circumstances, we deem it appropriate to direct the petitioner to make an application disclosing the full details of the constructions which the petitioner proposes to make immediately, the details of which are as follows:-

1. Drawing No. 1 â~ Floating Gangway for passenger jetty at Hotel, Tilakheda & Motel, Panwadi.
2. Drawing No. 2 â~ Passenger jetty at Hotel, Tilakheda.
3. Drawing No. 3 â~ Jetty for Ferry boat 20 MT/2 MT capacity at Tilakheda & Panwadi.
4. Drawing No. 4 â~ Ramp details for 20 MT/2 MT boat at Tilakheda & Panwadi
5. Drawing No. 5 â~ Retaining wall details for jetty at Tilakheda & Panwadi
6. Drawing No. 5A- Retaining wall details at Motel, Panwadi
7. Drawing No. 6 â~ Passenger jetty at Motel, Panwadi

Such application be made to the Chief Engineer, Irrigation Department(Designs). The said Officer shall pass appropriate orders on the said application within a period of one week from the date of receipt of the application. In case the application is to be rejected either fully or in part, the said Officer will record his reasons for such rejection.

List the matter on Thursday, the 21 st July, 2016.

(DEEPAK MANSUKHANI)
COURT MASTER

(RAJINDER KAUR)
COURT MASTER