

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

MISCELLANEOUS APPLICATION NO.1814/2020

IN

CIVIL APPEAL NO.7660/2019

RABIA SHAH & ORS.

Appellants(s)

VERSUS

AGRA DEVELOPMENT AUTHORITY & ORS.

Respondent(s)

WITH

CONMT.PET.(C) No. 621/2020 in C.A. No. 7660/2019 (III-A)

O R D E R

We have heard learned counsel for parties and perused the pleadings.

We must note the mess which has been created by the Agra Development Authority by dealing with the property twice over and not coming up with full disclosure. That after obtaining legal opinion at the last minute they tried to save their skin is of little avail. The question is what would be the appropriate order to be passed given the factual situation.

In view of the applicants having invested considerable money and there being lack of proper disclosure to them at the relevant stage by the respondent-Agra Development Authority, we are of the view that the title of the applicant should not be called into question despite the judgment passed by us on 27.09.2019 in Civil Appeal NO.7660/2019.

In order to compensate the original appellants, we feel it is appropriate that the consideration received from the applicants (appellants have already paid the consideration to Agra Development Authority) would be the correct compensation for the land which would have enured for their benefit in pursuance to our order dated 27.09.2019. We are told that the amount received by the Agra Development Authority is Rs.2,62,73,800/-. The said amount be transmitted to the original appellants within one month from today.

We also consider appropriate to burden the Agra Development Authority-respondent with costs of the present proceedings both for the benefit of the appellants as well as the applicants and we quantify the cost at Rs.25,000/- each which should also be transmitted accordingly within the same period of time.

We only hope that in future the Agra Development Authority puts its house in order and does not give rise to such a situation as in the present case.

The miscellaneous application is accordingly disposed of.

The Contempt proceedings are also closed in terms of the aforesaid.

.....J.  
[SANJAY KISHAN KAUL]

.....J.  
[DINESH MAHESHWARI]

.....J.  
[HRISHIKESH ROY]

NEW DELHI;  
DECEMBER 09, 2020.



Mr. Abhinav Ramkrishna, AOR  
Ms. Anushree Mishra, Adv.

For Respondent(s)  
Agra Development  
Authority

Mrs. Aishwarya Bhati, ASG  
Mr. Sudhir Kulshreshtha, AOR  
Mr. Sameer Kulshreshtha, Adv.  
Mr. Ameya Vikram Thanvi, Adv.

Mr. Devendra Singh Kushwaha, VC/contemnor No.3  
Mr. Rajendra Kumar Tripathy, Secy./contemnor No.4  
Mr. Som Kamal Sitaram, JS/contemnor No.5

State

Mr. Ravindra Raizada, Sr. Adv.  
Mr. Rajeev Kumar Dubey, Adv.  
Mr. Sourav Singh Chauhan, Adv.  
Mr. Ashiwan Mishra, Adv.  
Mr. Kamlendra Mishra, AOR

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

The miscellaneous application is disposed of and the  
Contempt proceedings are closed in terms of the aforesaid  
in terms of the signed order.

Pending applications stand disposed of.

(ASHA SUNDRIYAL)  
ASTT. REGISTRAR-cum-PS

(ANITA RANI AHUJA)  
ASSISTANT REGISTRAR

[Signed order is placed on the file]

ITEM NO.16                      Court 6 (Video Conferencing)                      SECTION III-A

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

Miscellaneous Application No(s).1814/2020 IN C.A. No. 7660/2019

RABIA SHAH & ORS.

Appellant(s)

VERSUS

AGRA DEVELOPMENT AUTHORITY & ORS.

Respondent(s)

IA No. 95027/2020 - INTERVENTION/IMPLEADMENT  
AS PARTY RESPONDENTS

IA No. 97619/2020 - APPLICATION FOR SETTING ASIDE ORDER DATED  
27.09.2019

IA No. 95030/2020 - SETTING ASIDE ORDER DATED 27.09.2019

IA No. 116897/2020 - EXEMPTION FROM FILING O.T.

IA No. 95026/2020 - APPLICATION FOR IMPLEADMENT

WITH

CONMT.PET.(C) No. 621/2020 in C.A. No. 7660/2019 (III-A)

IA No. 116912/2020 - EXEMPTION FROM FILING O.T.

IA No. 109676/2020 - EXEMPTION FROM PERSONAL APPEARANCE)

Date : 09-12-2020 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL  
HON'BLE MR. JUSTICE DINESH MAHESHWARI  
HON'BLE MR. JUSTICE HRISHIKESH ROY

For Petitioner(s)      Mr. R.K. Dash, Sr. Adv.  
                                    Mr. Amit Sharma, AOR  
                                    Mr. Dipesh Sinha, Adv.  
                                    Ms. Pallavi Barua, Adv.

For Respondent(s)      Mr. S. Nagamuthu, Sr. Adv.  
                                    Mr. Prashant Shukla, Adv.  
                                    Mr. Abhinav Ramkrishna, AOR  
                                    Ms. Anushree Mishra, Adv.

Mr. Ravindra Raizada, Sr. Adv.  
Mr. Rajeev Kumar Dubey, Adv.  
Mr. Sourav Singh Chauhan, Adv.  
Mr. Ashiwan Mishra, Adv.

Mr. Kamlendra Mishra, AOR

Mr. Sudhir Kulshreshtha, AOR

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

The miscellaneous application is disposed of and the Contempt proceedings are closed in terms of the aforesaid in terms of the signed order.

Pending applications stand disposed of.

(ASHA SUNDRIYAL)  
ASTT. REGISTRAR-cum-PS

(ANITA RANI AHUJA)  
ASSISTANT REGISTRAR

[Signed order is placed on the file]