

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

Petition(s) for Special Leave to Appeal (C) No(s). 28640-28641/2016

(Arising out of impugned final judgment and order dated 22/07/2016 in CWP No. 14927/2015, 19/08/2016 in CM No. 9876/2016 in CWP No. 14927/2015 passed by the High Court of Punjab & Haryana at Chandigarh)

SURINDER KUMAR BANSAL & ANR.

PETITIONER(S)

VERSUS

VISHRANTI CITY RESIDENTS WELFARE & ORS.

RESPONDENT(S)

(with interim relief and office report)

WITH

SLP(C) No. 30904-30905/2016
(With Office Report)

SLP(C) No. 30646/2016
(With Interim Relief and Office Report)

SLP(C) No. 29919/2016
(With Interim Relief and Office Report)

SLP(C) No. 30576/2016
(With Interim Relief and Office Report)

SLP(C) No. 32991/2016
(With Interim Relief and Office Report)

Date : 11/01/2017 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE KURIAN JOSEPH
HON'BLE MR. JUSTICE A.M. KHANWILKAR

For the parties

Mr. S.D. Anand, Sr. Adv.
Mr. S.K. Kapoor, Adv.
Mr. Deepak Girdhar, Adv.
Mr. A. Kumar, Adv.

Mr. Nikhil Goel, Adv.
Ms. Naveen Goel, Adv.

Mr. Ashutosh G.,Adv.

Mr. Sanchar Anand,AAG
Mr. Apoorv Singhal,Adv.
Mr. Rajiv Singhal,Adv.
Mr. Arun Singh,Adv.
Mr. Devendra Singh,Adv.

Mr. Jayant K. Sud,Adv.
Ms. Priya Puri,Adv.
Mr. Ajay P. Tushir,Adv.
Mr. Ranjay Dubey,Adv.

Mr. M. C. Dhingra,Adv.

Mr. A. Tewari,Adv.
Ms. Eliza Bar,Adv.
Mr. Shree Pal Singh,Adv.

Mr. Sarvesh Singh,Adv.
Ms. Herinder Kaur Brar,Adv.

Mr. Ankit Swarup,Adv.
Ms. Tanya Swarup,Adv.

Ms. Kamakshi S. Mehlwal,Adv.

Mr. Birendra Kumar Mishra,Adv.
Ms. Poonam Atey,Adv.

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

SLP(C) Nos. 28640-28641/2016, SLP(C) Nos. 30904-30905/2016,
SLP(C) No. 30646/2016, SLP(C) No. 30576/2016 &
SLP(C) No. 32991/2016

Leave granted.

These appeals are allowed in terms of their respective signed
judgment.

SLP(C) No. 29919/2016

Learned counsel appearing for the State submits
that the licence of the Respondent No.6/Firm has been
cancelled, since they did not take any meaningful
steps for the external development of the colony

represented by Respondent No.1/Society. Learned counsel submits that in case the developer now takes steps for the development of the colony, the State is prepared to reconsider the cancellation of the licence, subject, of course, to all the other required obligations under the licence.

In view of the above submission, we direct the petitioners to take steps to see that there is regular electricity connection in the colony represented by Respondent No.1/Society before 25th January, 2017. The pendency of the special leave petition or the writ petition and for that matter the order of cancellation shall not stand in the way of the petitioners in complying with the above directions for regular electricity connection.

Subject to the compliance, as above, in order to facilitate the compliance of this order, direction No.3 in the order dated 22.07.2016 as far as cancellation and renewal of the licence to Respondent No.6/Firm will stand temporarily deferred.

We also permit Respondent No.1/Society and the State to furnish before this Court the details of development works to be undertaken by Respondent No.6/Firm.

The compliance is also without prejudice to the contentions available to the petitioners and the Respondent No.6/Firm of their right to recover the expenses from the residents.

Post on 25.01.2017.

(NARENDRA PRASAD)
COURT MASTER

(RENU DIWAN)
ASSISTANT REGISTRAR

(Five separate Signed 'Non-Reportable' Judgments are placed on the file)

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). 345-346 OF 2017
(ARISING FROM SLP(C) NOS. 28640-28641/2016)

SURINDER KUMAR BANSAL & ANR. PETITIONER(S)

VERSUS

VISHRANTI CITY RESIDENTS WELFARE & ORS. RESPONDENT(S)

J U D G M E N T

KURIAN, J.

Leave granted.

2. The appellants are aggrieved since adverse orders have been passed against them by the High Court, as per the impugned order, without hearing them. It is not in dispute that the orders passed against the appellants adversely affect them. Equally, it is not in dispute that their impleadment applications have been rejected. In this context, it is relevant to note that the appellants approached the High Court by way of applications for impleadment pursuant to the liberty granted by this Court vide order dated 26.10.2015.

3. Be that as it may, in view of the above factual matrix it will be just and proper if the appellants are impleaded in the pending proceedings before the High Court and they are heard by the Court as far as modification of the impugned orders are concerned.

4. We make it clear that we have not expressed any opinion on the merits of the case, since we interfered with the order only on the above ground.

5. Therefore, these appeals are allowed to the extent indicated below:-

i) The appellants herein will stand impleaded in the pending proceedings before the High Court.

ii) They may be afforded an opportunity for hearing in their case as far as matters referred to in the impugned orders are concerned.

iii) Interim order passed by this Court on 19.09.2016, qua the appellants, be continued since the appellants have been impleaded in the pending proceedings. To complete the procedural formalities, the order dated 11.12.2015 passed in C.M. Nos.14601 and 14602 of 2015 dismissing the applications for impleadment will stand set aside.

iv) In view of the direction to have fresh hearing, the order dated 19.08.2016 in C.M. No.9876 of 2016 will also stand set aside with a further direction that the application for modification be heard afresh.

6. We request the High Court to pass orders, as above, expeditiously and preferably within three months.

7. There shall be no order as to costs.

8. Pending application(s), if any, shall stand disposed of.

.....J.
[KURIAN JOSEPH]

.....J.
[A.M. KHANWILKAR]

NEW DELHI;
JANUARY 11, 2017.

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). 349 OF 2017
(ARISING FROM SLP(C) NOS. 30646/2016)

RATTAN BANSAL & ORS.

APPELLANT(S)

VERSUS

VISHRANTI CITY RESIDENTS WELFARE & ORS.

RESPONDENT(S)

J U D G M E N T

KURIAN, J.

Leave granted.

2. This is a matter similar to the issue raised in our judgment dated 11.01.2017 rendered in Civil Appeals arising out of SLP (C) Nos.28640-28641/2016, wherein we have requested the High Court to hear the parties afresh and pass fresh orders. Since the impugned orders having adverse consequence have been passed without hearing the appellants, in the light of the said judgment, this appeal is allowed to the extent of requesting the High Court to hear the appellants herein and pass fresh orders.

3. In order to enable the High Court to do so, the appellants will stand impleaded as additional respondents.

4. Till the orders are passed, as above, the interim order passed by this Court on 07.10.2016 will continue to operate.

5. We request the High Court to pass orders, as above, expeditiously and preferably within three months.

6. There shall be no order as to costs.

7. Pending application(s), if any, shall stand disposed of.

.....J.
[KURIAN JOSEPH]

.....J.
[A.M. KHANWILKAR]

NEW DELHI;
JANUARY 11, 2017.

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). 347-348 OF 2017

(ARISING FROM SLP(C) NOS. 30904-30905/2016)

KRISHAN GOPAL GOEL

APPELLANT (S)

VERSUS

VISHRANTI CITY RESIDENTS WELFARE & ORS.

RESPONDENT (S)

J U D G M E N T

KURIAN, J.

Leave granted.

2. The appellant is aggrieved by the impugned orders dated 22.07.2016 and 16.09.2016. It is not in dispute that the order dated 22.7.2016 visited the appellant with adverse consequences. Therefore, he moved two applications, one for modification and the other for impleadment. It is seen from the impugned order dated 16.9.2016 that the application for modification has been dismissed and the application for impleadment is pending.

3. We have considered a similar issue vide our judgment dated 11.01.2017 rendered in Civil Appeals arising out of SLP (C) Nos.28640-28641/2016. For all the reasons stated therein, we allow these appeals to the following extent:-

i) The order dated 16.9.2016 in C.M. No.10845 of 2016 will stand set aside.

ii) The appellant shall stand impleaded as an additional respondent.

iii) We direct the High Court to hear the appellant on his application for modification of the order dated 22.07.2016 and pass fresh orders expeditiously and preferably within three months.

4. Till the orders are passed, as above, the interim order passed by this Court on 07.10.2016 will continue to operate.

5. There shall be no order as to costs.

6. Pending application(s), if any, shall stand disposed of.

.....J.
[KURIAN JOSEPH]

.....J.
[A.M. KHANWILKAR]

NEW DELHI;
JANUARY 11, 2017.

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). 350 OF 2017
(ARISING FROM SLP(C) NOS. 30576/2016)

HEMRAJ GARG AND ANOTEHR

APPELLANT(S)

VERSUS

VISHRANTI CITY RESIDENTS WELFARE SOCIETY & ORS. RESPONDENT(S)

J U D G M E N T

KURIAN, J.

Leave granted.

2. The appellants are aggrieved by the impugned order dated 22.07.2016 passed in CWP No.14927 of 2015, which has visited the appellants with adverse consequences. It is not in dispute that the impugned orders have been passed without hearing the appellants.

3. We have considered a similar issue vide our judgment dated 11.01.2017 rendered in Civil Appeals arising out of SLP (C) Nos.28640-28641/2016.

4. Therefore, this appeal is allowed to the following extent:-

i) We direct the appellants to file an application for impleadment before the High Court within two weeks from today.

ii) We request the High Court to pass orders impleading them in the pending proceedings.

iii) We also direct the appellants to file an application for modification of the impugned order dated 22.07.2016, within a period of two weeks. If such an application is filed and if it is otherwise in order, we request the High Court to

consider the said application for modification, hear the parties and pass fresh orders expeditiously and preferably within a period of three months.

5. Till the orders are passed, as above, the interim order passed by this Court on 07.10.2016 will continue to operate.

6. There shall be no order as to costs.

7. Pending application(s), if any, shall stand disposed of.

.....J.
[KURIAN JOSEPH]

.....J.
[A.M. KHANWILKAR]

NEW DELHI;
JANUARY 11, 2017.

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). 351 OF 2017
(ARISING FROM SLP(C) NO. 32991/2016)

VISHAL GOYAL

APPELLANT(S)

VERSUS

VISHRANTI CITY RESIDENTS WELFARE SOCIETY & ORS. RESPONDENT(S)

J U D G M E N T

KURIAN, J.

Leave granted.

2. The appellant is aggrieved by the impugned order dated 22.07.2016 passed in CWP No.14927 of 2015. It is not in dispute that the appellant has not filed any application for impleadment before the High Court, though, the appellant made an attempt by way of an application for intervention. However, in view of the fact that the appellant is likely to be visited with adverse consequences, we are of the view that the appellant should approach the High Court for modification of the order.

3. We have taken a similar view vide our judgment dated 11.01.2017 rendered in Civil Appeals arising out of SLP (C) Nos.28640-28641/2016.

4. For all the above reasons, this appeal is allowed to the following extent:-

i) We direct the appellant to file an application for impleadment before the High Court within two weeks from today.

ii) We request the High Court to pass orders impleading him in the pending proceedings.

iii) We also direct the appellants to file an application for modification of the

impugned order dated 22.07.2016, within a period of two weeks. If such an application is filed and if it is otherwise in order, we request the High Court to consider the said application for modification, hear the parties and pass fresh orders expeditiously and preferably within a period of three months.

5. Till the orders are passed, as above, the interim order passed by this Court on 26.10.2016 will continue to operate.

6. There shall be no order as to costs.

7. Pending application(s), if any, shall stand disposed of.

.....J.
[KURIAN JOSEPH]

.....J.
[A.M. KHANWILKAR]

NEW DELHI;
JANUARY 11, 2017.