

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.20879-20881 OF 2017  
(ARISING OUT OF SLP(C) NOS.33670-33672 OF 2017)

DIRECTOR MARKETING BHARAT PETROLEUM  
CORPORATION LTD. & ORS. ETC.

APPELLANT(S)

VERSUS

VIPIN SHUKIJA

RESPONDENT(S)

O R D E R

Delay condoned.

Leave granted.

We have heard Mr. Jaideep Gupta, learned Senior Counsel appearing for the appellants, Mr. Anil Malhotra, learned counsel appearing for the respondent, and perused the record.

We see no reason to interfere with the common impugned order dated 16.06.2017 passed by the High Court of Punjab and Haryana in RSA Nos.1611, 1617 and 1683 of 2016, except insofar as it orders mesne profit payable by the appellant-company. The order of directing the mesne profit is not sustainable in view of the finding that the appellants were not in possession of the land in question.

Hence, we partly allow these appeals and set aside the portion of the aforesaid common impugned order passed by the High Court directing the payment of mesne profit.

We also direct that the appellants shall remove their entire infrastructure from the land in question within a period of three months from today.

As a sequel to the above, pending interlocutory applications, if any, stand disposed of.

.....J  
[S. A. BOBDE]

.....J  
[L. NAGESWARA RAO]

NEW DELHI;  
DECEMBER 04, 2017.

ITEM NO.22

COURT NO.7

SECTION IVB

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) No(s).D34909/2017

(Arising out of impugned final judgment and order dated 16-06-2017 in RSA No. 1683/2016 and order dated 16-06-2017 in RSA No. 1617/2016 and order dated 16-06-2017 in RSA No. 1611/2016 passed by the High Court Of Punjab & Haryana At Chandigarh)

DIRECTOR MARKETING BHARAT PETROLEUM  
CORPORATION LTD. & ORS. ETC.

Petitioner(s)

VERSUS

VIPIN SHUKIJA

Respondent(s)

(FOR ADMISSION and I.R. and IA No.124353/2017-CONDONATION OF DELAY IN FILING and IA No.124355/2017-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 04-12-2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.A. BOBDE  
HON'BLE MR. JUSTICE L. NAGESWARA RAO

For Petitioner(s)      Mr. Jaideep Gupta, Sr. Adv.  
                                 Ms. Reshmi Rea Sinha, Adv.  
                                 Mr. Rudra Dutta, Adv.  
                                 Mr. Parijat Sinha, AOR

For Respondent(s)      Mr. Anil Malhotra, Adv.  
                                 Mr. Ranjeet Malhotra, Adv.  
                                 Mr. Sarvesh Singh, AOR

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

Delay condoned.

Leave granted.

These appeals are partly allowed in terms of the signed order.

As a sequel to the above, pending interlocutory applications, if any, stand disposed of.

(SANJAY KUMAR-II)  
COURT MASTER (SH)

(INDU KUMARI POKHRIYAL)  
ASST.REGISTRAR

(Signed Order is placed on the file)