

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No.4446 OF 2017

(Arising out of SLP(C)No.35560 of 2016)

MAHARASTRA RASHTRABHASHA SABHA

.....APPELLANT

VERSUS

CITIZEN FORUM FOR EQUALITY AND ORS

.....RESPONDENTS

WITH

CIVIL APPEAL Nos.4447-48 OF 2017

(Arising out of SLP(C)Nos.4210-4211 of 2017)

M/S WOCKHARDT HOSPITALS LTD.

.....APPELLANT

VERSUS

CITIZEN FORUM FOR EQUALITY AND ORS

.....RESPONDENTS

O R D E R

1. Heard learned counsel for the rival parties.
2. Leave granted.
3. Having perused the impugned order, we find no justification to interfere therewith, in exercise of our jurisdiction under Article 136 of the Constitution.
4. It would be pertinent to note, that even during the

course of hearing, the principal grievance raised by the appellant before this Court, namely, the Maharashtra Rashtrabhasha Sabha was, that the assessment made by the Nagpur Improvement Trust, vide its communication dated 04.02.2017, was wholly unreasonable and unacceptable in law.

5. During the course of hearing, learned counsel representing the Nagpur Improvement Trust contended, that the communication dated 04.02.2017 was independently assailable by way of appeal, before the State Government, under Section 108-A of the Nagpur Improvement Trust Act, 1936.

6. Learned counsel for the Maharashtra Rashtrabhasha Sabha states, that liberty be granted to the appellant to assail the communication dated 04.02.2017, before the competent appellate authority. We hereby grant liberty to the appellant, in case the appellant is so advised, to assail the communication dated 04.02.2017, before the competent appellate authority.

7. In case such an appeal is preferred within 30 days from today, the same shall be entertained, and adjudicated upon on merits. If the appellant before this Court deposits the principal amount of Rs.40.33 crores with the Nagpur Improvement Trust, the interest component of Rs.123.40 crores payable by the appellant to the Trust shall remain stayed.

8. During the course of the appellate proceedings, it shall be open to the Maharashtra Rashtrabhasha Sabha to agitate its claim with reference to the determination of the assessment made, including errors of calculation. It shall also be open to the appellant, to raise a challenge, on the issue whether the claim

raised by the Nagpur Improvement Trust is permissible in law, illustratively, it shall be open to the appellant, to raise a challenge, as to whether an additional amount can be claimed, for increase in FSI.

9. The only modification, that we consider appropriate, with reference to the impugned order, is that of direction (3) in paragraph 90, which reads as under:

"The additional premium and ground rent so becoming payable shall be recovered from the respondent No.9 - Sabha. Current premium and ground rent shall be paid by Sabha to NIT within two months of its computation. Arrears shall be recovered by the NIT in 12 equal bimonthly installments either from the Sabha or then from the Respondent no.16 Hospital, either jointly or severally."

In view of the statement made to this Court on behalf of Maharashtra Rashtrabhasha Sabha, that it shall shoulder the entire responsibility of payment, we hereby set aside the joint and several liability fastened by the High Court on respondent No.16. We however wish to clarify, that in case the Maharashtra Rashtrabhasha Sabha does not honour the statement made to this Court, it shall be open to the appellate authority, to determine whether the payment has to be recovered from any other party. For this purpose, Maharashtra Rashtrabhasha Sabha shall implead all the parties, as were before the High Court, in the appeal, if it chooses to file.

10. The appeals are disposed of, in the above terms.

11. As a sequel to the above, pending interlocutory applications also stand disposed of.

.....CJI.  
(JAGDISH SINGH KHEHAR)

.....J.  
(Dr.D.Y.CHANDRACHUD)

.....J.  
(SANJAY KISHAN KAUL)

NEW DELHI;  
MARCH 24, 2017.

ITEM NO.3

COURT NO.1

SECTION IX

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).35560/2016

(Arising out of impugned final judgment and order dated 07/09/2016 in PIL No.47/2013 passed by the High Court of Bombay at Nagpur)

MAHARASTRA RASHTRABHASHA SABHA AND ORS

Petitioner(s)

VERSUS

CITIZEN FORUM FOR EQUALITY AND ORS

Respondent(s)

(With appln.(s) for exemption from filing O.T. and permission to file additional documents and interim relief and office report)

WITH SLP(C) Nos.4210-4211/2017

(With exemption from filing O.T. and Office Report)

Date : 24/03/2017 These petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

For Petitioner(s) Dr.Abhishek Manu Singhvi, Sr.Adv.  
Mr.Sumit Goel, Adv.  
Mr.Ritesh Issac, Adv.  
Mr.Tanuj Agarwal, Adv.  
For M/s. Parekh & Co., Adv.

Mr.K.V.Viswanathan, Sr.Adv.  
Ms.Saman Ahsan, Adv.  
For M/s. Khaitan & Co., Adv.

For Respondent(s) Mr.S.K.Mishra, Sr.Adv.  
Mr.Satyajit A.Desai, Adv.  
Ms. Anagha S. Desai, Adv.

Ms.Rukhmini S.Bobde, Adv.  
Mr.Vishal Prasad, Adv.

Mr.Sudhir Voiditell, Adv.  
Mr.Tushar Mandlekar, Adv.  
Mr.Rishi Jain, Adv.  
Mr. Adarsh Upadhyay, Adv.

Ms.Pallavi Sharma, Adv.  
Mr.Prakash M., Adv.

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

Leave granted.

The appeals are disposed of, in terms of the signed  
order.

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

(SATISH KUMAR YADAV)  
AR-CUM-PS

(RENUKA SADANA)  
ASSISTANT REGISTRAR

(Signed order is placed on the file)