



2021 INSC 567

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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

MISCELLANEOUS APPLICATION NO. 1389 OF 2021
IN
CIVIL APPEAL NO. 1060 OF 2021

BULANDBHAHR KHURJA DEVELOPMENT AUTHORITY

APPELLANT

VERSUS

AMIR KUWAR DEAD THR. LRS AND OTHERS

RESPONDENTS

O R D E R

In terms of Order dated 31.01.2020 of this Court, the appellant authority deposited compensation at the rate of Rs.150/- per Sq. Yard with all statutory benefits and interests in the Registry of this Court.

While disposing of the Civil Appeal by order dated 23.03.2021, we passed the following order:

"In the meantime, the compensation deposited pursuant to our order dated 31.01.2020 may be released to the respondents at the rate of Rs. 103.50 per Sq. Yd. without prejudice to their rights and contentions for enhancement of the same. The balance deposits may be forwarded to the High Court to abide by a fresh final decision that may be taken by it in the matter."

In compliance of Order dated 23.03.2021, as there was a dispute in reference to the quantification of payment at the rate of Rs.103.50 per Sq. Yard, as observed by this Court, the appellant and the respondents both have filed their calculations for the amount which is payable.

According to the appellant, they have paid in excess over the rate of Rs. 103.50 per Sq. Yard, at the same time, the respondents have disputed their mode of calculation and according to them the deficit amount has been paid under the directions of this Court.

Since the mode of calculation *inter se* is disputed between the parties, it may not be advisable for this Court to go into this question at this stage more so when the matter is pending before the High Court.

We dispose of the Miscellaneous Application with the observation that the dispute in respect to the calculation in compliance of Order dated 23.03.2021 of this Court, will be subject to the outcome of pending proceedings before the High Court and the parties are at liberty to question all issues including the compensation paid pursuant to the directions of this Court. The balance amount lying in the Registry of this Court shall be transferred to the Registrar of the High Court of Allahabad under intimation to this Court.

With these observations the Miscellaneous Application stands disposed of.

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

.....J
(AJAY RASTOGI)

.....J
(ABHAY S. OKA)

NEW DELHI;
SEPTEMBER 28, 2021.

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

MISCELLANEOUS APPLICATION NO. 1390 OF 2021

IN

CIVIL APPEAL NO. 1061 OF 2021

BULANDSHAHR KHURJA DEVELOPMENT AUTHORITY

APPELLANT

VERSUS

ATUL CHANDRA AND OTHERS

RESPONDENTS

O R D E R

In terms of Order of this Court dated 31.01.2020, the appellant-authority deposited compensation at the rate of Rs.150/- per Sq. Yard with all statutory benefits and interest in the Registry of this Court.

While disposing of the Civil Appeal by order dated 23.03.2021, we passed the following order:-

"In the meantime, the compensation deposited pursuant to our order dated 31.01.2020 may be released to the respondents at the rate of Rs. 103.50 per sq. yd. without prejudice to their rights and contentions for enhancement of the same. The balance deposits may be forwarded to the High Court to abide by a fresh final decision that may be taken by it in the matter."

Mr. Amit Swami, learned counsel appearing on behalf of the claimants-respondent Nos. 1 and 2 (Atul Chandra and Vibha Chandra)

submits that they are not disputing the calculation but the amount be released amongst both the claimants in the ratio 1:1.

We direct that the money which has been deposited by the appellant in terms of the Order of this Court dated 31.01.2020 out of the total sum of Rs.76,46,878/- be released amongst the claimants(respondent nos. 1 and 2) in the ratio of 1:1 as no other claimant has come forward and this fact has not been disputed before this Court as well, and the balance amount be transferred to the Registry of the High Court under intimation to this Court.

With these directions, the Miscellaneous Application stands disposed of.

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

.....J
(AJAY RASTOGI)

.....J
(ABHAY S. OKA)

NEW DELHI;
SEPTEMBER 28, 2021.

ITEM NO.4 Court 14 (Video Conferencing) SECTION III-A

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

MISCELLANEOUS APPLICATION NO. 1389/2021 IN C.A. NO. 1060/2021

BULANDSHAHR KHURJA DEVELOPMENT AUTHORITY APPELLANT(S)

VERSUS

AMIR KUWAR DEAD THR.LRS. & ORS. RESPONDENT(S)

(FOR ADMISSION)

WITH

MA 1390/2021 in C.A. No. 1061/2021 (III-A)
(FOR ADMISSION)

Date : 28-09-2021 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE AJAY RASTOGI
HON'BLE MR. JUSTICE ABHAY S. OKA

For Petitioner(s) By Courts Motion, AOR

Mr. Rakesh Uttamchandra Upadhyay, AOR

For Respondent(s) Mr. Amit Swami, Adv.
Kumari Rashmi Rani, Adv.
Ms. Rashi Jaiswal, Adv.
Mr. Sriharsh Nahush Bundela, Adv.
Mr. Vipin Kumar Jai, AOR

Mr. Ajai Bhalla, Adv.
Mr. Rajeev Singh, AOR

Ms. Shashi Kiran, AOR

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

Miscellaneous Applications stand disposed of in terms of the
signed orders.

(POOJA SHARMA)
COURT MASTER (SH)

(BEENA JOLLY)
COURT MASTER (NSH)

(Signed Orders are placed on the file.)