



**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL NO. 4500 OF 2022
(ARISING OUT OF SLP(C) NO. 2075 OF 2018)

**TERRAFORM MAGNUM LIMITED
(FORMERLY KNOWN AS
EVEREST BUILDCON LIMITED)**

.....APPELLANT(S)

VERSUS

**THE STATE OF MAHARASHTRA
AND OTHERS**

.....RESPONDENT(S)

J U D G M E N T

B.R. GAVAI, J.

1. Leave granted.
2. IA No.71779 of 2022 has been filed to bring on record the subsequent developments, which have taken place during the pendency of the appeal.
3. It is not necessary for us to go into the factual scenario in detail. Suffice it to say that the land in question originally belonged to one Hira Komb. Subsequently, it changed various hands and finally it

came in the hands of the present applicant/appellant.

4. After the Maharashtra Restoration of Lands to Scheduled Tribes Act, 1974 (hereinafter referred to as the "said Act") came into effect, an application came to be filed for restoration of the said land in favour of the legal heirs of deceased Hira Komb. There were various rounds of litigation. Finally, the State Government by order dated 18th April 2016 impugned before the High Court, held that the land was liable to be restored to the legal heirs of deceased Hira Komb. The same was challenged by the present appellant before the High Court. The learned Single Judge of the High Court, by the impugned order dated 15th December 2016, dismissed the writ petition being Writ Petition No. 7602 of 2016 filed by the appellant and maintained the order dated 18th April 2016 passed by the State Government.

5. The same is challenged by way of the present appeal.

6. The main ground on which the respondents have been found to be entitled to restoration is a caste certificate issued in favour of respondent No.9-Dinesh Kishan Komb. During the pendency of the appeal, the Caste Scrutiny Committee, vide order dated 24th February 2020, has invalidated the claim of respondent No.9-Dinesh Kishan Komb.

7. In the present premises, the appellant has filed I.A. No. 71779 of

2022 in the present appeal for placing on record the order dated 24th February 2020 passed by the Caste Scrutiny Committee invalidating the claim of respondent No.9-Dinesh Kishan Komb. By the said I.A., the appellant has also prayed for allowing the appeal since the very foundation on which the claim of respondents rested, no more exists.

8. We have heard Mr. Vinay Navare, learned Senior Counsel appearing for the appellant, Mr. Sachin Patil, learned counsel appearing for the State of Maharashtra and Mr. Arpit Rai, learned counsel appearing for respondent Nos.4 to 18.

9. Mr. Patil submitted that the said Act is a beneficial/ welfare legislation and merely because a claim of one of the legal heirs of Hira Komb is invalidated, it cannot be a ground to deny the benefit of said welfare legislation to the other legal heirs.

10. Incidentally, this argument is coming from the State and not from respondent Nos.4 to 18 who are the legal heirs of Hira Komb.

11. No doubt, that the said enactment is a beneficial/ welfare legislation enacted with the benevolent purpose of restoring the land to poor tribals whose lands were snatched away by the land grabbers.

12. However, the enactment is for the benefit of those tribals who really belong to the Scheduled Tribe. By the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic

Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000, a mechanism has been provided to consider the genuineness of the claim of the persons claiming to belong to the Scheduled Tribe. Such a claim is required to be scrutinized by the Caste Scrutiny Committee. Unless the claim is validated by the Caste Scrutiny Committee, a person cannot be treated to be put into the Scheduled Tribe.

13. Undisputedly, it is only respondent No.9-Dinesh Kishan Komb, who was having a certificate belonging to Scheduled Tribe. No other legal heir of deceased Hira Komb is having a certificate of belonging to Scheduled Tribe.

14. By the Caste Scrutiny Committee's order dated 24th February 2020, the very foundation of respondent No.9-Dinesh Kishan Komb belonging to a Scheduled Tribe has been found to be invalid. Therefore, we find that no purpose would be served in keeping the matter pending.

15. We have specifically put a query to Mr. Rai as to whether any of the legal heirs of deceased Hira Komb propose to challenge the order of the Caste Scrutiny Committee. Learned counsel has emphatically stated that none of the legal heirs desire to do so.

16. In that view of the matter, since the very foundation that

respondent Nos.4 to 18 belong to Scheduled Tribe is no more in existence, we are inclined to allow the application as well as the appeal.

17. The order dated 24th February 2020 passed by the Caste Scrutiny Committee is placed on record. The application being I.A. No. 71779 of 2022 is allowed.

18. The appeal is allowed. The impugned order passed by the High Court dated 15th December 2016 and the order dated 18th April 2016 passed by the State Government are quashed and set aside. There shall be no orders as to costs.

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

.....**J.**
(B.R. GAVAI)

.....**J.**
(HIMA KOHLI)

NEW DELHI;
MAY 30, 2022.

ITEM NO.2

COURT NO.5

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 for Special Leave to Appeal (C) No. 2075/2018

(Arising out of impugned final judgment and order dated 15-12-2016 in CWP No. 7602/2016 passed by the High Court of Judicature at Bombay)

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|--|---------------|
| TERRAFORM MAGNUM LIMITED (FORMERLY KNOWN AS EVEREST BUILDCON LTD) | Appellant(s) |
| VERSUS | |
| THE STATE OF MAHARASHTRA & ORS. | Respondent(s) |

(IA No. 71779/2022 - CLARIFICATION/DIRECTION)

Date : 30-05-2022 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.R. GAVAI
HON'BLE MS. JUSTICE HIMA KOHLI
(VACATION BENCH)

For Petitioner(s) Mr. Vinay Navare, Sr. Adv.
Mr. Gwen Karthika, Adv.
Ms. Abha R. Sharma, AOR

For Respondent(s) Mr. Arpit Rai, Adv.
Mr. Aviral Kashyap, AOR
Mr. Shadab Choudhary, Adv.

Mr. Sachin Patil, AOR
Mr. Rahul Chitnis, Adv.
Mr. Aaditya A. Pande, Adv.
Mr. Geo Joseph, Adv.
Ms. Shwetal Shepal, Adv.

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

Leave granted.

The appeal as well as I.A. No. 71779 of 2022 is allowed in terms of the signed Non-Reportable Judgment. Pending application(s), if any, shall stand disposed of.

(Geeta Ahuja)
Assistant Registrar-cum-PS
(Signed Non-Reportable Judgment is placed on the file)

(Ranjana Shailey)
Court Master