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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **LA.APP. 136/2024 & CM APPL. 27557/2024**

ASHOKA ESTATES PVT LTD

..... Appellant

Through: **Dr. H. Uppal, Senior Advocate with
Mr. Tileshwar Prasad, Advocates**

versus

**UNION OF INDIA MIN OF URBAN
DEVELOPMENT & ANR.**

..... Respondents

Through: **Mr. Kirtiman Singh, CGSC with
Mr. Waize Ali Noor, Mr. Varun
Rajawat, Ms. Vidhi Jain, Mr. Kartik
Baijal and Ms. Shreya V. Mehra,
Advocates for R-1 & 2**

CORAM:

HON'BLE DR. JUSTICE SUDHIR KUMAR JAIN

ORDER

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09.05.2024

CM APPL.27556/2024 (exemption)

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

LA.APP. 136/2024 & CM APPL. 27557/2024

3. The present appeal is filed under section 54 of the Land Acquisition Act, 1894 and section 74 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 against the impugned judgment and order dated 18.04.2024 being null and void and contrary to judgment dated 05.08.2011 of the predecessor court in respect of the award bearing no. 01/2004-2005 for allocation under sections 30/31 of Land Acquisition Act, 1894 between L&DO and appellant,



as at that time, judgment dated 23.01.2012 of this Court setting aside the re-entry had not come and for being contrary to the judgment dated 05.12.2023 passed by this Court in CM(M) 1645/2023 and for being contrary to facts of the case and law.

4. Dr. H. Uppal, the learned Senior Counsel for the appellant stated that the trial court vide impugned judgment, awarded 52.50% of the compensation to M/s Diwan Chand Builders and it was ordered to be kept in FDR. It is further argued that M/s Diwan Chand Builders was not having any right in the compensation so awarded by the trial court.

5. Issue notice.

6. Mr. Kirtiman Singh, Central Government Standing Counsel accepts notice on behalf of the respondents and seeks time to file reply.

7. Let the reply be filed within 04 weeks from today with advance copy to the counsel for the appellant. Rejoinder thereto, if any, be filed within 04 weeks thereafter.

8. List on 10.09.2024.

9. In the meantime, the operation of the impugned judgment dated 18.04.2024 shall remain stayed.

DR. SUDHIR KUMAR JAIN, J

MAY 9, 2024

N/AM