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

+ W.P.(C) 12078/2021 & CM APPL. 37749/2021

PRAMOD LOHIA & ORS. Petitioners

Through: Mr. Kapil Kishor Kaushik, Adv.

versus

STATE OF NCT OF DELHI Respondent

Through: Mr. V. Balaji and Ms. Neha Singh,
Advs. for R-1 & R-2.

Ms. Shobhana Takiar, Standing
Counsel for DDA/R-3.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

% **09.02.2022**

No counter affidavit has been filed by either of the respondents. While Mr. Balaji, who appears for respondent Nos. 1 and 2 seeks further time to file the counter affidavit, Ms. Takiar, who appears for respondent No.3/DDA submits that even the second and third reliefs sought in the writ petition cannot be granted in the light of the fact that the compensation was, admittedly, deposited in the treasury and the claim of the petitioner for higher compensation was premised on the judgment of the Supreme Court in ***Pune Municipal Corporation and Anr v. Harakchand Misirimal Solanki and Ors. (2014) 3 SCC 183*** which stands overruled in ***Indore Development Authority vs. Manoharlal & Ors. [(2020) 8 SCC 129]***. She has drawn our attention to para 4 of the order passed by this Court in W.P.(C) 325/2015 earlier preferred by the petitioner, which was decided on 15.12.2015 before the Constitution Bench rendered in the judgment of ***Indore Development Authority (supra)***. The said paragraph reads as follows:



*“4. In so far as the question of compensation is concerned, the same has not been paid to the petitioner but, according to the respondents, the same has been deposited in the treasury. But, that would not amount to payment of compensation as held by the Supreme Court in **Pune Municipal Corporation and Anr v. Harakchand Misirimal Solanki and Ors: (2014) 3 SCC 183**. Therefore, it is clear that the award was made more than 5 years prior to the commencement of the 2013 Act, and the compensation has also not been paid to the petitioners.”*

Ms. Takiar submits that the basis for claiming compensation under the 2013 Act does not survive in the light of the aforesaid development.

Counsel for the petitioner states that the arguing counsel is not available today and therefore seeks an adjournment.

At request, adjourned to 28.03.2022.

No further adjournment shall be granted. The petitioner should first satisfy the Court with regard to the reliefs :- b) and c) surviving in the light of the judgment of the Supreme Court in ***Indore Development Authority (supra)***.

VIPIN SANGHI, J

JASMEET SINGH, J

FEBRUARY 9, 2022/SR