

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Money Withdrawal Application No. 1061 of 2019

in

First Appeal No.11 of 2009

Director, Wild Life Institute of India

....Appellant/Applicant

Vs.

J.M. Kapoor

.....Respondent

Hon'ble Alok Kumar Verma, J.

Heard Mr. Rakesh Thapliyal, learned Senior Advocate assisted by Mr. Xitij Kaushik, the learned counsel for the appellant/applicant and Mr. Ramji Srivastava, learned counsel for the respondent on Money Withdrawal Application No.1061 of 2019 through video conferencing.

2. The learned counsel for the respondent submits that he has no instruction from the respondent.

3. The first appeal was filed against the judgment and order dated 25.10.2008 and decree dated 04.11.2008 passed by the learned District Judge, Dehradun in Land Acquisition Reference No.240 of 1994.

4. At the admission stage, the appellant/applicant was directed to deposit 50% of the decretal amount. Pursuant to the said order dated 11.02.2009, the appellant/applicant deposited a sum of Rs.1,80,00,000/- in the High Court; 50% (Rs.90 lakhs) of which was withdrawn by the respondent/claimant.

5. The appeal was decided on 27.10.2015. Aggrieved, both the parties filed separate Special Leave Petitions. The Special Leave Petition (Civil) No.22696 of 2016 'M/s. Doon Housing Pvt. Ltd. vs. Director, Wildlife Institute of India' and Civil Appeal No.2925 of 2019 [Special Leave Petition (C) No.32070 of 2016] 'Director, Wildlife Institute of India vs. J.M. Kapoor' were decided on 12.03.2019 by the Hon'ble Supreme Court and observed that there was no reason to interfere with the judgment of the High Court. The learned Senior Advocate submits that the dispute between the parties is finally decided.

6. Pursuant to the orders of this High Court, the Special Land Acquisition Officer prepared the fresh calculation of compensation payable to the respondent/claimant. As per the calculation of the S.L.A.O., the total amount payable to the respondent was Rs.96,45,575/- and out of this amount, Rs.90 lakhs was withdrawn by the respondent on 24.07.2009. The learned Senior Advocate undertakes that remaining amount, a sum of Rs.6,45,575/- with interest at the admissible rate, shall be paid to the respondent by the appellant/applicant within ten days from the date of releasing the deposited amount to the appellant/applicant. According to the learned Senior Advocate, a surplus amount of Rs.83,54,425/- had been deposited by the appellant/applicant.

7. The learned Senior Advocate requests to permit the appellant/applicant to withdraw the said surplus amount along with interest with the abovementioned undertaking.

8. According to the report of registry, Rs.90/-lakhs along with interest are available as balance.

9. The learned counsel for the respondent fairly concedes that no objection has been filed against this Money Withdrawal Application.

10. For the foregoing reasons, the Money Withdrawal Application No.1061 of 2019 is allowed. The appellant/applicant is permitted to withdraw the money as indicated by the registry on the proper identification. The said withdrawal shall be subject to the aforesaid undertaking as given by Mr. Rakesh Thapliyal, the learned Senior Advocate.

(Alok Kumar Verma, J.)
13.10.2020

JKJ/Neha