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SLP(C)No. 2926 OF 1997
ITEM No.2

Court No. 1

SECTION IVA
A/N MATTER

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

I.A. No.5 In
Petition(s) for Special Leave to Appeal (Civil) No.2926/1997

RAMJI PATEL & ORS

Petitioner (s)

VERSUS

NAGRIK UPBHOKTA MARG DARSHAK MANCH & ORS
(For directions)

Respondent (s)

Date : 12/02/2001 These Petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE R.C. LAHOTI
HON'BLE MR. JUSTICE BRIJESH KUMAR

For Petitioner (s) Mr. Prakash Shrivastava,Adv.

For Respondent (s)

Mr. Shiv Sagar Tiwari,Adv.
Mr. Anoop G. Chaudhary,Sr.Adv.
Mrs. Geetanjali Mohan,Adv.
Mr. Satish K. Agnihotri,Adv.
Mr. Ranjan Mukherjee,Adv.
Ms. Sushma Suri,Adv.
Mr. Vijay Panjwani,Adv.
Mr. H.K. Puri,Adv.
Mr. S.K. Puri,Adv.
Mr. Ujjwal Banerjee,Adv.
Mr. Rajeev Sharma,Adv.
Mrs. Anil Katiyar,Adv.
Mr. B. Krishna Prasad,Adv.

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

.....L.....I.....J
.SP2

Application is disposed of in terms of the
signed order.

.SP1
.....L.....T.....J

(Ajay Kr. Jain)
Court Master

(Prem Prakash)
Court Master

(Signed order is placed on the file)

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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

I.A. No. 5 @@
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in@@
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Special Leave Petition (C) No. 2926/1997@@
CC

Ramji Patel & Anr. ...Petitioners~

Versus

Nagrik Upphokta Marg Darshak Manch & Ors. ...Respondents

O R D E R@@
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We have heard learned counsel for the parties.

In paragraph (c) of our judgment dated 17.2.2000 (at page 33 of the paper-book) following words in the last sentence 'He and Petitioner No. 1 in Special Leave Petition (C) No. 2926 of 1997 will also be entitled to all the benefits indicated by the High Court in the impugned judgment while dealing with the individual cases of the Petitioners.' shall be substituted by the following sentences.

"The petitioner No.1 (Ramji Patel) in Special Leave Petition (C) No. 2926/97 has incurred an expenditure of Rs. 2,93,000/- on setting up bio-gas plant. The Municipal Corporation, Jabalpur shall, after deducting the amount of subsidy as paid by the ...2/-

2.

Government, pay that amount to the petitioner No.1 at the time of his shifting to the new location pursuant to the Notification dated 19.3.1999 and in the event of the challenge to the said Notification being turned down by the High Court, the petitioner No.1 in Special Leave Petition (C) No. 2926/1997 shall be treated at par with the petitioner in Special Leave Petition (C) No. 2927/1997. The petitioner No.1 in Special Leave Petition (C) Nos. 2926/1997 and the petitioner in 2927/1997 shall also be entitled to all the benefits indicated by the High Court in the impugned judgment while dealing with the individual cases of the Petitioners."

Thus, direction (c) in the judgment dated 17.2.2000 shall read as follows:

"(c) Since the Notification dated 19.3.1999 was issued by the Municipal

Corporation during the pendency of these proceedings at a stage when this Court had already allowed the Petitioner to set up the Bio Gas Plant and the Petitioner in SLP(C) No.3/-

3.

2927/97 has incurred an expenditure of Rs. 5,86,000/-, the Municipal Corporation, Jabalpur, shall, after deducting the amount of subsidy as may have already been paid by the Government, pay that amount to the Petitioner in the Special Leave Petition (C) No. 2927 of 1997 at the time of their shifting to the new locations pursuant to the Notification dated 19.3.1999 and in the event of their challenge to the said Notification being turned down by the High Court. The petitioner No.1 (Ramji Patel) in Special Leave Petition (C) No. 2926/97 has incurred an expenditure of Rs. 2,93,000/- on setting up bio-gas plant. The Municipal Corporation, Jabalpur shall, after deducting the amount of subsidy as paid by the Government, pay that amount to the petitioner No.1 at the time of his shifting to the new location pursuant to the Notification dated 19.3.199 and in the event of the challenge to the said Notification being turned down by the High Court, the petitioner No.1 in Special Leave Petition (C) No. 2926/1997 shall be treated at par with the petitioner in Special ...4/-

4.

Leave Petition (C) No. 2927/1997. The petitioner No.1 in Special Leave Petition (C) Nos. 2926/1997 and the petitioner inn 2927/1997 shall also be entitled to all the benefits indicated by the High Court in the impugned judgment while dealing with the individual cases of the Petitioners."

With the above modification, the application stands disposed of.

.SP1

.....CJI.

.....J.
(R.C. LAHOTI)

.....J.
(BRIJESH KUMAR)

New Delhi,
February 12, 2001.