

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S) .1383/2007

SIDDARTH ENTERPRISES THROUGH ITS PARTNER
MR. SUNIL RATILAL SHAH

Appellant(s)

VERSUS

ADDITIONAL COLLECTOR AND COMPETENT AUTHORITY & ANR.

Respondent(s)

WITH

C.A. NOS.10531-10532 OF 2017
@ SLP(C) No. 31606-31607/2009

O R D E R

CIVIL APPEAL NO(S) .1383/2007

Mr. Huzefa Ahmadi, learned senior counsel appearing on behalf of the appellant has submitted that the appellant is not pressing revision of rates as such, part of the order with respect to fulfillment of the obligation of Urban Land (Ceiling and Regulation) Act, 1976 should be deleted.

After considering the submission, we are of the considered opinion that the exemption under the Urban Land (Ceiling and Regulation) Act, 1976 was not dependent upon the revision of the price. Thus, the obligation would stand notwithstanding the fact that the appellant is not interested in the revision of the price of the area in question.

Consequently, we find no ground to interfere with the impugned order. It is clear that the appellant has to fulfill the obligation under the Urban Land (Ceiling and Regulation) Act, 1976 and the respondent is bound to enforce it.

It was submitted by the learned counsel that since there is a repeal of Urban Land Ceiling Act, obligation does not survive. In our opinion, once the benefit has been taken of the exemption and development has been made, obviously, it was binding upon the appellant to comply with the obligation which was imposed before repeal of the Act. It is expected that the respondent will take appropriate steps forthwith, in accordance with law to enforce the obligation.

CIVIL APPEAL NOS. 10531-10532 OF 2017
SLP (C) Nos.31606-31607/2009

In view of the dismissal of civil appeal No. 1383 of 2007, this matter has become infructuous.

Accordingly, this appeal also stands disposed of.

.....J
(ARUN MISHRA)

.....J
(MOHAN M. SHANTANAGOUDAR)

NEW DELHI;
AUGUST 9, 2017

ITEM NO.106

COURT NO.11

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

Civil Appeal No(s).1383/2007

SIDDARTH ENTERPRISES THROUGH ITS PARTNER
MR. SUNIL RATILAL SHAH

Appellant(s)

VERSUS

ADDITIONAL COLLECTOR AND COMPETENT AUTHORITY & ANR. Respondent(s)

WITH

SLP(C) No. 31606-31607/2009 (IX)

Date : 09-08-2017 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA
HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR

For Appellant(s) Mr. Huzefa Ahmadi, Sr. Adv.
Ms. Rashmi Nandakumar, Adv.
Mr. Gaurav Agrawal, AOR

Mr. Aniruddha P. Mayee, AOR

For Respondent(s) Mr. Nishant Ramakantrao Katneshwarkar, AOR
Ms. Deepa Kulkarni, Adv.
Ms. Asha Gopalan Nair, AOR
Mr. Gaurav Agrawal, AOR

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

Leave granted in SLP(C) Nos. 31606-31607/2009.

The appeals are dismissed/disposed of in terms of the
signed order.

(B. PARVATHI)
COURT MASTER (SH)

(TAPAN KUMAR CHAKRABORTY)
BRANCH OFFICER

(Signed order is placed on the file)