

=

SLP(C)No. 2552 OF 2001  
ITEM No.3 & 7

Court No. 8

SECTION XVI  
A/N MATTER

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No.2552/2001  
(From the Judgment and order dated 2/1/2001 in APO 691/94  
of the High Court of Calcutta)

STATE OF WEST BENGAL

Petitioner (s)

VERSUS

STERLING STOCK BROKERS PVT. LTD. & ORS. Respondent (s)  
(with prayer for interim relief & office report)  
(for final disposal)

SLP(C)No.6454/2001

(with prayer for interim relief & office report)

WITH SLP(C) .....(CC 6701-23, 6678 & 6728/2001)/2001

(with applns. for c/delay in filing SLPs)

Date : 18/09/2001 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.B. SHAH  
HON'BLE MR. JUSTICE R.P. SETHI

For Petitioner (s) Mr. VR Reddy, Sr. Adv.  
Mr. HK Puri, Adv.  
Mr. Prasanjit Basu, Adv.  
Mrs. Anindita Gupta, Adv.

Mr. VR Reddy, Sr. Adv.  
Mr.Tara Chandra Sharma,Adv.  
Mr. Prasanjit Basu, Adv.

For Respondent (s) Mr. SB Sanyal, Sr. Adv.  
in SLP(C) 6454/2001 Mr. Avik Datta, Adv.  
Mr. MS Datta, Adv. for  
Mr. Rathin Das, Adv.

in SLP(C) 2552/200 & Mr. Dipankar Gupta, Sr. Adv.  
SLP(C) CC 6678, Mr. GS Chatterjee, Adv.  
6701-23, & 6728/2001) Mr. Jaydeep Gupta, Adv.  
Mr. Raja Chatterjee, Adv.  
Ms. Devamitra Adhikary, Adv.  
Mr. Sachin Das, Adv.

UPON hearing counsel the Court made the following

O R D E R

.....L.....I.....T.....T.....T.....T.....T.....T.....T.....J

Delay condoned.

Issue notice.

Mr. GS Chatterjee, Advocate appears and accepts  
notice on behalf of private respondents in SLP(C) CC  
Nos.6678, 6701-23 & 6728 of 2001 and waives service of  
notice.

Leave granted.

The appeals are disposed of in terms of the signed  
order with no order as to costs.

.SP1

(D.L. Chugh)  
Court Master

(K.K. Chadha)  
Court Master

Signed order is placed on the file  
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.6537 OF 2001  
(Arising from S.L.P. (Civil) No. 2552 of 2001)

WITH

CIVIL APPEAL NO.6538 OF 2001  
(Arising from S.L.P. (Civil) No. 6454 of 2001)

AND

CIVIL APPEAL Nos.6539-6563 of 2001  
(Arising from S.L.P. (Civil) Nos.16514-16538 of 2001 @  
CC Nos. 6711, 6709, 6715, 6678, 6712, 6723, 6716, 6704, 6714,  
6702, 6710, 6703, 6719, 6718, 6706, 6707, 6722, 6717, 6721,  
6705, 6720, 6713, 6708, 6701, & 6728 of 2001)

State of West Bengal etc.

&

Appellants

Versus

Sterling Stock Brokers Pvt. Ltd.  
And Others etc.

&

Respondents

O R D E R

Delay condoned.  
Leave granted.

Heard the learned counsel for the parties.

These appeals are filed against the impugned judgment and order dated 2.1.2001 passed by the High Court of Calcutta. Before the High Court, respondents filed petitions challenging the vires of Land Acquisition (West Bengal Amendment) Act, 1997 (hereinafter referred to as the Amendment Act of 1997) as well as for proper interpretation of the provisions of the said Act. Further, the appellants (respondents in the High Court) were directed to return possession of the requisitioned lands to the respondents herein and to pay compensation for continuing in possession of the lands even after the lapse of the West Bengal Land (Requisition and Acquisition) Act, 1948 (Act II of 1948) at the rate of recurring compensation paid during the period of requisition till return of possession on the ground that the right of possession over the land after issuance of the order of requisition under Section 3 of the Act II of 1948 was not enduring in nature which could continue indefinitely even after expiry of the life of Act II of 1948. The Court further held that the Amendment Act of 1997 was prospective in nature and the State Government was not competent to give retrospective effect to the said Amendment Act of 1997 in order to bridge the gap between the expiry of the Act II of 1948 on 31.3.1997 and the commencement of Amendment Act of 1997 on 2.5.1997.

At the time of hearing of this matter, learned counsel for the respondents (original petitioners) sought leave to withdraw their challenge to the vires of the Act as well as the prayer for the interpretation of the said Act. They have submitted that the respondents would be satisfied if reasonable compensation as provided under the Act is paid within the time frame as agreed. Learned counsel appearing on behalf of the State, after

