

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 241 OF 2019

(Arising out of S.L.P. (C) NO. 10946 OF 2013)

WATERMARKE ESTATES PVT. LTD.

APPELLANT(S)

VERSUS

HYDERABAD METROPOLITAN DEV. AUTHORITY
& ANR

RESPONDENT(S)

WITH

CIVIL APPEAL NO. 242/2019 @ S.L.P.(C) No. 10944/2013
CIVIL APPEAL Nos. 244-245/2019 @ S.L.P.(C) Nos. 11145-
11146/2013

CIVIL APPEAL NO. 246/2019 @ S.L.P.(C) No. 12134/2013
CIVIL APPEAL NO. 247/2019 @ S.L.P.(C) No. 15628/2013
CIVIL APPEAL NO. 243/2019 @ S.L.P.(C) No. 11048/2013

O R D E R

Civil Appeal arising out of S.L.P.(C) No.10946/2013:

Leave granted.

Pursuant to our earlier Orders, Mr. K. Radhakrishnan, learned Senior Counsel appearing for respondent No. 1, has placed on record Additional Affidavit. As per the said Affidavit, respondent No. 1 is agreeable to allot proportionate extent of land on pro rata basis for the amount already paid by the bidders who are not in possession or willing to pay the balance amount.

Learned counsel for the appellant submits that in terms of the aforesaid decision taken by respondent No. 1, the appellant may be allotted proportionate land on pro rata basis keeping in view the amount already paid by it.

We order accordingly and direct respondent No. 1 to allot the appellant pro rata land within one month from today.

It goes without saying that the infrastructure development which was assured at the time of inviting bids shall be provided by respondent No. 1 to the appellant.

The appeal is disposed of in aforesaid terms.

Pending applications, if any, shall also stand disposed of.

Civil Appeal arising out of S.L.P.(C) No. 10944/2013, Civil Appeals arising out of S.L.P.(C) Nos. 11145-11146/2013, Civil Appeal arising out of S.L.P.(C) No. 12134/2013 and Civil Appeal arising out of S.L.P.(C) No. 15628/2013:

Leave granted.

Pursuant to our earlier Orders, Mr. K. Radhakrishnan, learned Senior Counsel appearing for respondent No. 1, has placed on record the Additional Affidavit. As per the said Affidavit, respondent No. 1 is agreeable to allot proportionate extent of land on pro rata basis for the amount already paid by the

bidders who are not in possession or willing to pay the balance amount.

In these appeals it is, inter alia, stated that all those auction bidders who had paid partial consideration and are willing to pay the balance amount can do so and some reasonable time be given to them for making the balance payment. It is further stated that, on payment of the said amount, the land for which the appellants have submitted their bids and which were accepted shall physically be allotted to all these persons and possession thereof shall be handed over to them immediately upon making payment. The appellants in all these appeals are ready to accept this offer.

With the consent of the parties, we grant eight weeks time to all these appellants to make payment of the balance amount. On making the payment, the land shall be earmarked and physical possession thereof shall be given to them forthwith and, in any case, within two weeks from making the payment.

It goes without saying that the infrastructure development which was assured at the time of inviting bids shall be provided by respondent No. 1 to the appellants.

The appeals are disposed of in aforesaid terms.

Pending applications, if any, shall also stand

disposed of.

Civil Appeal arising out of S.L.P.(C) No. 11048/2013:

Leave granted.

The appellants in this case had given their bids in respect of two plots, i.e., Plot A and Plot B measuring 4.05 and 1.47 acres respectively. These bids of the appellants were accepted. Position in respect of these plots, viz. the amount of the bids, the amount paid and the balance amount which remains to be paid, is as under:

"CURRENT POSITION"

Plot	A	B
Area (Acres)	4.05	1.47
Location	Survey No. 109, Plot No. 7 of Site No. 1 (Plot A)	Survey Nos. 116 & 117, Plot No. 1 of Site No. 2 (Plot B)
Earnest Money on 21 st July 2006	Rs. 2,00,00,000.00p	Rs. 2,00,00,000.00p
1 st Installment	Rs. 12,24,25,000.00p	Rs. 4,01,88,335.00p
2 nd Installment on 9 th August 2006	Rs.14,24,25,000.00p	Rs. 6,01,88,335.00p
Total Paid Till date	Rs.28,48,50,000.00p	Rs.12,03,76,670.00p
Total Land Cost	Rs.42,72,75,000.00p	Rs.18,05,65,000.00p.
Balance to be Paid	Rs.14,24,25,000.00p.	Rs. 6,01,88,330.00p

The appellants are willing to give the balance

payment in respect of Plot A. Learned Senior Counsel appearing for the appellants further submits that insofar as Plot B is concerned, the appellants would give up their rights. However, the payment made in respect of Plot B, as per the proposal in respect of Plot B, be adjusted against Plot A and after the adjustment, balance amount shall be paid by them within eight weeks.

The proposal can be translated in the following manner:

"PROPOSAL

Adjust entire payment (payments made for Plot A and Plot B) against one, i.e., Plot A

Plot	A
Area (Acres)	4.05
Location	Survey No. 109, Plot No. 7 of Site No. 1 (Plot A)
Total Land Cost for Plot A (X)	Rs. 42,72,75,000.00p
Total Paid till date (Plot A + Plot B) (Y)	Rs. 40,52,26,670.00p (Rs.28,48,50,000.00p. + Rs.12,03,76,670.00p)
Balance to be Paid to HMDA after adjustment (X – Y)	Rs.2,20,48,330.00p

Mr. K. Radhakrishnan, learned Senior Counsel appearing for respondent No. 1, on instructions, submits that respondent No. 1 is agreeable to the aforesaid proposal.

In view thereof, this appeal is disposed of with a direction to the appellants pay the balance amount of Rs. 2,20,48,330.00 within a period of eight weeks from today.

On making this payment, Plot A shall be handed over to the appellants within two weeks.

Pending applications, if any, stand disposed of.

.....J.
(A.K. SIKRI)

.....J.
(S. ABDUL NAZEER)

.....J.
(M.R. SHAH)

NEW DELHI,
JANUARY 8, 2019

ITEM NO.1

COURT NO.2

SECTION XII-A

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 (C) No(s). 10946/2013

(Arising out of impugned final judgment and order dated 27-12-2012 in WA No. 479/2010 passed by the High Court of A.P. At Hyderabad)

WATERMARKE ESTATES PVT. LTD.

Petitioner(s)

VERSUS

HYDERABAD METROPOLITAN DEV. AUTHORITY & ANR

Respondent(s)

(FOR INTERVENTION APPLICATION FILED BY MR. Y. RAJAGOPALA RAO, ADVOCATE ON IA 6/2016)

WITH

SLP(C) No. 11051/2013 (XII-A)

SLP(C) No. 10944/2013 (XII-A)

SLP(C) No. 11048/2013 (XII-A)

SLP(C) Nos. 11043-11044/2013 (XII-A)

SLP(C) Nos. 11145-11146/2013 (XII-A)

SLP(C) No. 12134/2013 (XII-A)

SLP(C) No. 12900/2013 (XII-A)

(FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS ON IA 1/2013)

S.L.P.(C)...CC No. 10232/2013 (XII-A)

(FOR PERMISSION TO FILE ANNEXURES ON IA 2/2013 and FOR CONDONATION OF DELAY IN FILING ON IA NO. 1/2013)

SLP(C) No. 15628/2013 (XII-A)

Date : 08-01-2019 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. SIKRI
 HON'BLE MR. JUSTICE S. ABDUL NAZEER
 HON'BLE MR. JUSTICE M.R. SHAH

For Petitioner(s)

SLP(C)No.10946/2013	Mr. T.Srinivasa Murthi, Adv. Mr. Senthil Jagadeesan, AOR Ms. Shruti Iyer, Adv. Ms. Sonakshi Malhan, Adv. Ms. Suriti Chowdhary, Adv.
SLP(C)No.11051/2013	Mr. Vadivelu Deenadayalan, AOR (N.P.)
SLP(C)No.10944/2013	Mr. T. Srinivas Murthy, Adv. Mr. Deeptakirti Verma, AOR
SLP(C)No.11048/2013 & SLP(C)No.12134/2013	Dr. A.M. Singhvi, Sr. Adv. Mr. Gaurav Pachnanda, Sr. Adv. Mr. Prashant Mishra, Adv. Ms. Shalin A. Adv. Mr. Aimen R. Adv. Mr. Abhay Kumar, AOR
SLP(C)No.11043-44/2013	Mr. Vikash Singh, AOR (N.P.)
SLP(C)No.11145-46/2013	Mr. P.S. Patwalia, Sr. Adv. Mr. Rajat Singh, AOR Mr. K. V. Girish Chowdary, Adv. Mr. Dhruv Sheoran, Adv.
SLP(C)No.12900/2013	Mr. Abhimanyu Bhandari, Adv. Mr. Apoorv Kurup, AOR Mr. Nikhil Singhvi, Adv. Mr. Chanakya Boxipatro, Adv. Ms. Nikita Pandey, Adv. Mr. Mohit Seth, Adv.
SLP..CC No.10232/2013	Mr. Ansar Ahmad Chaudhary, AOR (N.P.)
SLP(C)No.15628/2013	Mr. Annam D. N. Rao, AOR Mr. Sudipto Sircar, Adv. Mr. Annam Venkatesh, Adv. Mr. Rahul Mishra, Adv. Mr. Tushar Bakshi, AOR
For Respondent(s)	Mr. J. Ramchandar Rao, AAG Mr. K. Radhakrishnan, Sr. Adv. Mr. P. Venkat Reddy, Adv. Mr. Prashant Tyagi, Adv. For M/s Venkat Palwai Law Associates, AOR Mr. D. Mahesh Babu, AOR
Intervenor	Mr. Y. Rajagopala Rao, AOR (N.P.)

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

As prayed, Mr. T.V. Ratnam, learned Advocate on Record appearing for respondent No. 1, is discharged from all the matters.

S.L.P.(C) No. 10946/2013:

Leave granted.

The appeal is disposed of in terms of the signed Order.

Interlocutory Application No. 6 of 2016 is dismissed for non-prosecution.

Pending applications, if any, shall also stand disposed of.

S.L.P.(C) No. 10944/2013, S.L.P.(C) Nos. 11145-11146/2013, S.L.P.(C) No. 12134/2013 and S.L.P.(C) No. 15628/2013:

Leave granted.

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

Pending applications, if any, shall also stand disposed of.

S.L.P.(C) No. 11048/2013:

Leave granted.

the appeal is disposed of in terms of the signed order.

Pending applications, if any, stand disposed of.

S.L.P.(C) No. 11051/2013, S.L.P.(C) Nos. 11043-11044/2013 and S.L.P. (C) No. ..CC No. 10232/2013:

Nobody appears on behalf of the petitioners in these matters.

The Special Leave Petitions are dismissed for non-prosecution.

S.L.P.(C) No. 12900/2013:

List for arguments on 15.01.2019.

(SUSHIL KUMAR RAKHEJA)

AR-CUM-PS

(Common Signed order is placed on the file.)

(RAJINDER KAUR)

BRANCH OFFICER