

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 6900 of 2009

WITH

INTERLOCUTORY APPLICATION NO. 12 OF 2014

(APPLICATION FOR IMPEADMENT AS PARTY RESPONDENT)

WITH

INTERLOCUTORY APPLICATION NO. 16 OF 2015

(APPLICATION FOR INTERVENTION FILED BY MR. JAYANT K. MEHTA, ADV.)

WITH

INTERLOCUTORY APPLICATION NO. 17 OF 2015

(APPLICATION FOR PERMISSION TO FILE REPLY FILED BY MS. SANDHYA GOSWAMI, ADV.)

WITH

INTERLOCUTORY APPLICATION NO. 18 OF 2015

(APPLICATION FOR EXEMPTION FROM FILING OFFICIAL TRANSLATION)

WITH

INTERLOCUTORY APPLICATION NO. 19 OF 2015

(APPLICATION FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS)

WITH

INTERLOCUTORY APPLICATION NO. 20 OF 2015

(APPLICATION FOR EXEMPTION FROM FILING OFFICIAL TRANSLATION)

WITH

INTERLOCUTORY APPLICATION NO. 21 OF 2015

(APPLICATION FOR INTERVENTION FILED BY MR. TVS RAGHAVENDRA SREYAS, ADV.)

AND

CIVIL APPEAL NO. 6901 of 2009

STATE OF UTTARAKHAND & ORS. ETCAPPELLANTS

-VERSUS -

RAJIV BERRY & ORS. ETCRESPONDENTS

OFFICE REPORT

The matters above mentioned were listed before the Hon'ble Court on 17.9.2015, when the Court was pleased to pass the following Orders:

“List after six weeks.”

It is submitted that Mr. TVS Raghavendra Sreyas, Advocate has on 26.10.2015 filed an application for intervention on behalf of the applicant viz. Ashok Goyal and the same has been registered as I.A. No. 21 of 2015. (copy placed as a separate papebrook)

Service is complete.

The matters along with applications above mentioned are listed before the Hon'ble Court with this Office Report.

Dated this the 2nd Day of February, 2016.

ASSISTANT REGISTRAR

Copy to:

Ms. Rachana Srivastava, Adv.

Ms. Sandhya Goswami, Adv.

Mr. Jayant K. Mehta, Adv.

Mr. TVS Raghavendra Sreyas, Adv.

ASSISTANT REGISTRAR

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 6900 of 2009

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WITH

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(APPLICATION FOR EXEMPTION FROM FILING OFFICIAL TRANSLATION)

WITH

INTERLOCUTORY APPLICATION NO. 19 OF 2015

(APPLICATION FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS)

WITH

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(APPLICATION FOR EXEMPTION FROM FILING OFFICIAL TRANSLATION)

AND

CIVIL APPEAL NO. 6901 of 2009

STATE OF UTTARAKHAND & ORS. ETC

.....APPELLANTS

-VERSUS -

RAJIV BERRY & ORS. ETC

.....RESPONDENTS

REVISED OFFICE REPORT

The matters above mentioned were listed before the Hon'ble Court on 8.4.2015, when the Court was pleased to pass the following Orders:

“The Proposal as contained in the Order dated 14.01.2015 which has been put forward on behalf of the Respondents has not met the approval of the Appellants before us. The learned Additional Advocate General appearing on behalf of the Appellants submits that the possession of the land is with the State and secondly that the compensation has been duly deposited in the Court. Both the statements are strenuously contested by the learned Senior Counsel appearing for the Respondents.

In these circumstances, we direct the Appellant State to file an affidavit, by a Competent Officer, stating (a) the date on which the possession of the land in question was taken over by the State physically or otherwise and (b) the date of making the deposit of the compensation, along with the details as to where it was deposited. The Secretary, Secretariat Administration Department who is present in Court, states that he is the

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Competent Officer, and shall file an affidavit within a period of ten days from today furnishing the aforementioned details. An advance copy thereof be handed over to learned Counsel for the Respondents. Since the proposal for Settlement of the Appeals has fallen through, the Appeals will now be proceeded to be heard on 29th April, 2015.”

It is submitted that pursuant to above Orders, Ms. Rachana Srivastava, Advocate has on 13.4.2015 filed compliance affidavit on behalf of the State of Uttarakhand but annexures P-1 & P-3 are in vernacular language and annexures have been got translated into English by a private translator. Counsel has not filed an application for exemption from filing official translation, though deponent is praying for exemption from filing official translation (Page No. 4, last para). (copy of the affidavit is placed as a separate paperbook)

It is further submitted that Ms. Sandhya Goswami, Advocate has on 24.4.2015 filed applications for permission to file reply on behalf of the respondent and exemption from filing official translation in C.A. No. 6900 of 2009. The applications have been registered as I.A. Nos. 17 & 18. (copies circulated herewith)

It is submitted that Ms. Sandhya Goswami, Advocate has on 1.5.2015 filed applications for permission to file additional documents on behalf of the respondent and exemption from filing official translation in C.A. No. 6900 of 2009. The applications have been registered as I.A. Nos. 19 & 20. (copies placed as a separate paperbooks)

Service is complete.

The matters along with applications above mentioned are listed before the Hon'ble Court with this Office Report.

Dated this the 5th Day of May, 2015.

ASSISTANT REGISTRAR

Copy to:
Ms. Rachana Srivastava, Adv.
Ms. Sandhya Goswami, Adv.
Mr. Jayant K. Mehta, Adv.

ASSISTANT REGISTRAR

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 6900 of 2009
WITH
INTERLOCUTORY APPLICATION NO. 12 OF 2014
(APPLICATION FOR IMPEADMENT AS PARTY RESPONDENT)
WITH
INTERLOCUTORY APPLICATION NO. 16 OF 2015
(APPLICATION FOR INTERVENTION FILED BY MR. JAYANT K. MEHTA, ADV.)
WITH
INTERLOCUTORY APPLICATION NO. 17 OF 2015
(APPLICATION FOR PERMISSION TO FILE REPLY FILED BY MS. SANDHYA GOSWAMI, ADV.)
WITH
INTERLOCUTORY APPLICATION NO. 18 OF 2015
(APPLICATION FOR EXEMPTION FROM FILING OFFICIAL TRANSLATION)
AND
CIVIL APPEAL NO. 6901 of 2009

STATE OF UTTARAKHAND & ORS. ETC

.....APPELLANTS

-VERSUS -

RAJIV BERRY & ORS. ETC

.....RESPONDENTS

REVISED OFFICE REPORT

The matters above mentioned were listed before the Hon'ble Court on 8.4.2015, when the Court was pleased to pass the following Orders:

“The Proposal as contained in the Order dated 14.01.2015 which has been put forward on behalf of the Respondents has not met the approval of the Appellants before us. The learned Additional Advocate General appearing on behalf of the Appellants submits that the possession of the land is with the State and secondly that the compensation has been duly deposited in the Court. Both the statements are strenuously contested by the learned Senior Counsel appearing for the Respondents.

In these circumstances, we direct the Appellant State to file an affidavit, by a Competent Officer, stating (a) the date on which the possession of the land in question was taken over by the State physically or otherwise and (b) the date of making the deposit of the compensation, along with the details as to where it was deposited. The Secretary, Secretariat Administration Department who is present in Court, states that he is the Competent Officer, and shall file an affidavit within a period of ten days from today furnishing the aforementioned details. An advance copy thereof be handed over to learned Counsel for the Respondents. Since the proposal for Settlement of the Appeals has fallen through, the Appeals will now be proceeded to be heard on 29th April, 2015.”

It is submitted that pursuant to above Orders, Ms. Rachana Srivastava, Advocate has on 13.4.2015 filed compliance affidavit on behalf of the State of Uttarakhand but annexures P-1 & P-3 are in vernacular language and annexures have been got translated into English by a private translator. Counsel has not filed an application for exemption from filing official translation, though deponent is praying for exemption from filing official translation (Page No. 4, last para). (copy of the affidavit is placed as a separate paperbook)

It is further submitted that Ms. Sandhya Goswami, Advocate has on 24.4.2015 filed applications for permission to file reply on behalf of the respondent and exemption from filing official translation in C.A. No. 6900 of 2009. The applications have been registered as I.A. Nos. 17 & 18. (copies circulated herewith)

Service is complete.

The matters along with applications above mentioned are listed before the Hon'ble Court with this Office Report.

Dated this the 25th Day of April, 2015.

ASSISTANT REGISTRAR

Copy to:
Ms. Rachana Srivastava, Adv.
Ms. Sandhya Goswami, Adv.
Mr. Jayant K. Mehta, Adv.

ASSISTANT REGISTRAR

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 6900 of 2009

WITH

INTERLOCUTORY APPLICATION NO. 12 OF 2014
(APPLICATION FOR IMPEADMENT AS PARTY RESPONDENT)

WITH

INTERLOCUTORY APPLICATION NO. 16 OF 2015
(APPLICATION FOR INTERVENTION FILED BY MR. JAYANT K. MEHTA, ADV.)

AND

CIVIL APPEAL NO. 6901 of 2009

STATE OF UTTARAKHAND & ORS. ETC

.....APPELLANTS

-VERSUS -

RAJIV BERRY & ORS. ETC

.....RESPONDENTS

OFFICE REPORT

The matters above mentioned were listed before the Hon'ble Court on 8.4.2015, when the Court was pleased to pass the following Orders:

“The Proposal as contained in the Order dated 14.01.2015 which has been put forward on behalf of the Respondents has not met the approval of the Appellants before us. The learned Additional Advocate General appearing on behalf of the Appellants submits that the possession of the land is with the State and secondly that the compensation has been duly deposited in the Court. Both the statements are strenuously contested by the learned Senior Counsel appearing for the Respondents.

In these circumstances, we direct the Appellant State to file an affidavit, by a Competent Officer, stating (a) the date on which the possession of the land in question was taken over by the State physically or otherwise and (b) the date of making the deposit of the compensation, along with the details as to where it was deposited. The Secretary, Secretariat Administration Department who is present in Court, states that he is the Competent Officer, and shall file an affidavit within a period of ten days from today furnishing the aforementioned details. An advance copy thereof be handed over to learned Counsel for the Respondents. Since the proposal for Settlement of the Appeals has fallen through, the Appeals will now be proceeded to be heard on 29th April, 2015.”

It is submitted that pursuant to above Orders, Ms. Rachana Srivastava, Advocate has on 13.4.2015 filed compliance affidavit on behalf of the State of Uttarakhand but annexures P-1 & P-3 are in vernacular language and annexures have been got translated

into English by a private translator. Counsel has not filed an application for exemption from filing official translation, though deponent is praying for exemption from filing official translation (Page No. 4, last para). (copy of the affidavit is placed as a separate paperbook)

Service is complete.

The matters along with applications above mentioned are listed before the Hon'ble Court with this Office Report.

Dated this the 17th Day of April, 2015.

ASSISTANT REGISTRAR

Copy to:

Ms. Rachana Srivastava, Adv.

Ms. Sandhya Goswami, Adv.

Mr. Jayant K. Mehta, Adv.

ASSISTANT REGISTRAR

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 6900 of 2009

WITH

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(APPLICATION FOR IMPLEADMENT AS PARTY RESPONDENT)

WITH

INTERLOCUTORY APPLICATION NO. 16 OF 2015
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AND

CIVIL APPEAL NO. 6901 of 2009

STATE OF UTTARAKHAND & ORS. ETC

.....APPELLANTS

-VERSUS -

RAJIV BERRY & ORS. ETC

.....RESPONDENTS

OFFICE REPORT

The matters above mentioned were listed before the Hon'ble Court on 11.3.2015, when the Court was pleased to pass the following Orders:

“At request, re-notify on 7th April, 2015.”

It is further submitted that Mr. Jayant K. Mehta, Advocate has on 4.4.2015 filed an application for intervention on behalf of three applicants in Civil Appeal No. 6900 of 2009 and the same has been registered as I.A. No. 16 of 2015. (copy enclosed)

Service is complete.

The matters along with applications above mentioned are listed before the Hon'ble Court with this Office Report.

Dated this the 6th Day of April, 2015.

ASSISTANT REGISTRAR

Copy to:

Ms. Rachana Srivastava, Adv.

Ms. Sandhya Goswami, Adv.

Mr. Jayant K. Mehta, Adv.

ASSISTANT REGISTRAR

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 6900 of 2009
WITH
INTERLOCUTORY APPLICATION NO. 12 OF 2014
(APPLICATION FOR IMPLEADMENT AS PARTY RESPONDENT)
WITH
INTERLOCUTORY APPLICATION NO. 13 OF 2014
(APPLICATION ON BEHALF OF THE RESPONDENTS FOR PERMISSION TO SUBMIT
SUBSEQUENT EVENTS)
WITH
INTERLOCUTORY APPLICATION NO. 14 OF 2014
(APPLICATION ON BEHALF OF THE RESPONDENTS FOR FILING ADDITIONAL
DOCUMENTS)
WITH
INTERLOCUTORY APPLICATION NO. 15 OF 2014
(APPLICATION FOR EXEMPTION FROM FILING OFFICIAL TRANSLATION)
AND
CIVIL APPEAL NO. 6901 of 2009

STATE OF UTTARAKHAND & ORS. ETCAPPELLANTS
-VERSUS -

RAJIV BERRY & ORS. ETCRESPONDENTS

OFFICE REPORT

The matters above mentioned were listed before the Hon'ble Court on 19.02.2015,
when the Court was pleased to pass the following Orders:

**“At the request of learned Advocate General, which request is strongly
opposed, we reluctantly grant an adjournment for two weeks. If no precise
instructions are forthcoming on the next date of hearing, in terms of the Order
dated 14th January, 2015, the Chief Secretary, State of Uttarakhand shall be
personally present on the next date of hearing.**

Re-notify on 11th March, 2014.”

It is further submitted that accordingly, a certified copy of the orders dated
14.01.2015 and 19.02.2015 has been issued to the concerned authorities.

Service is complete.

The matters alongwith applications above mentioned are listed before the Hon'ble
Court with this Office Report.

Dated this the 28th Day of February, 2015.

ASSISTANT REGISTRAR

Copy to:

Ms. Rachana Srivastava, Adv.

Ms. Sandhya Goswami, Adv.

ASSISTANT REGISTRAR

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 6900 of 2009

WITH

INTERLOCUTORY APPLICATION NO. 12 OF 2014

(APPLICATION FOR IMPLEADMENT AS PARTY RESPONDENT)

WITH

INTERLOCUTORY APPLICATION NO. 13 OF 2014

(APPLICATION ON BEHALF OF THE RESPONDENTS FOR PERMISSION TO SUBMIT
SUBSEQUENT EVENTS)

WITH

INTERLOCUTORY APPLICATION NO. 14 OF 2014

(APPLICATION ON BEHALF OF THE RESPONDENTS FOR FILING ADDITIONAL
DOCUMENTS)

WITH

INTERLOCUTORY APPLICATION NO. 15 OF 2014

(APPLICATION FOR EXEMPTION FROM FILING OFFICIAL TRANSLATION)

AND

CIVIL APPEAL NO. 6901 of 2009

STATE OF UTTARAKHAND & ORS. ETC

.....APPELLANTS

-VERSUS -

RAJIV BERRY & ORS. ETC

.....RESPONDENTS

OFFICE REPORT

The matters above mentioned were listed before the Hon'ble Court on 19.8.2013,
when the Court was pleased to pass the following Orders:

**“Post the matter for final disposal in the month of January, 2014.
The interlocutory applications for early hearing are disposed of.”**

CIVIL APPEAL NO. 6900 OF 2009:

It is submitted that there are 15 respondents in the appeal above mentioned.
Respondent Nos. 1, 5 & 8 to 14 are represented through Ms. Sandhya Goswami,
Advocate. No one has chosen to enter appearance on behalf of Respondent Nos. 2 to 4, 6,
7 to 15 though served with notice.

Original Record has been received from the High Court and is available with the
Registry for the reference of this Hon'ble Court.

It is also submitted that statement of cases have been filed by the counsel for the
Appellants and appearing Respondents. (Statement of cases have been included in the
paperbooks)

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It is further submitted that Ms. Sandhya Goswami, Advocate has on 28.3.2014 filed an application for impleadment on behalf of the applicant viz. Mohd. Islam in Civil Appeal No. 6900 of 2009 which has been registered as I.A. No. 12 of 2014 and the same has been included in the paperbooks.

It is further submitted that Ms. Sandhya Goswami, Advocate has 28.3.2014 filed a Contempt Petition in Civil Appeal No. 6900 of 2009 on behalf of the applicant viz. Mohd. Islam for non-compliance of this Court's Order dated 30.4.2007 but the same has not been registered as applicant has not been impleaded as party.

It is submitted that Ms. Sandhya Goswami, Advocate has on 7.11.2014 filed an application on behalf of the respondents for permission to submit subsequent events. The same has been registered as I.A. No. 13 of 2014. (copy included in the paperbooks)

It is further submitted that Ms. Sandhya Goswami, Advocate has on 8.11.2014 filed an application for permission to file additional documents and exemption from filing official translation. The same have been registered as I.A. Nos. 14 & 15 respectively. (copy included in the paperbooks)

CIVIL APPEAL NO. 6901 OF 2009:

It is submitted that Ms. Rachana Srivastava, Advocate has filed vakalatnama & appearance on behalf of all the three respondents.

It is submitted that statement of case filed by the counsel for the appellant and respondent have been included in the appeal paperbooks.

Original Record has been received from the High Court and is available with the Registry for the reference of this Hon'ble Court.

The matters alongwith applications above mentioned are listed before the Hon'ble Court with this Office Report.

Dated this the 8th Day of November, 2014.

ASSISTANT REGISTRAR

Copy to:
Ms. Rachana Srivastava, Adv.
Ms. Sandhya Goswami, Adv.

ASSISTANT REGISTRAR

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 6900 of 2009
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INTERLOCUTORY APPLICATION NO. 12 OF 2014
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AND
CIVIL APPEAL NO. 6901 of 2009

STATE OF UTTARAKHAND & ORS. ETC

.....APPELLANTS

-VERSUS -

RAJIV BERRY & ORS. ETC

.....RESPONDENTS

REVISED OFFICE REPORT

The matters above mentioned were listed before the Hon'ble Court on 19.8.2013, when the Court was pleased to pass the following Orders:

**“Post the matter for final disposal in the month of January, 2014.
The interlocutory applications for early hearing are disposed of.”**

CIVIL APPEAL NO. 6900 OF 2009:

It is submitted that there are 15 respondents in the appeal above mentioned. Respondent Nos. 1, 5 & 8 to 14 are represented through Ms. Sandhya Goswami, Advocate. No one has chosen to enter appearance on behalf of Respondent Nos. 2 to 4, 6, 7 to 15 though served with notice.

Original Record has been received from the High Court and is available with the Registry for the reference of this Hon'ble Court.

It is also submitted that statement of cases have been filed by the counsel for the Appellants and appearing Respondents. (Statement of cases have been included in the paperbooks)

It is further submitted that Ms. Sandhya Goswami, Advocate has on 28.3.2014 filed an application for impleadment on behalf of the applicant viz. Mohd. Islam in Civil Appeal No. 6900 of 2009 which has been registered as I.A. No. 12 of 2014 and the same has been included in the paperbooks.

It is further submitted that Ms. Sandhya Goswami, Advocate has 28.3.2014 filed a Contempt Petition in Civil Appeal No. 6900 of 2009 on behalf of the applicant viz. Mohd. Islam for non-compliance of this Court's Order dated 30.4.2007 but the same has not been registered as applicant has not been impleaded as party.

CIVIL APPEAL NO. 6901 OF 2009:

It is submitted that Ms. Rachana Srivastava, Advocate has filed vakalatnama & appearance on behalf of all the three respondents.

It is submitted that statement of case filed by the counsel for the appellant and respondent have been included in the appeal paperbooks.

Original Record has been received from the High Court and is available with the Registry for the reference of this Hon'ble Court.

The matters alongwith application above mentioned are listed before the Hon'ble Court with this Office Report.

Dated this the 10th Day of September, 2014.

ASSISTANT REGISTRAR

Copy to:

Ms. Rachana Srivastava, Adv.

Ms. Sandhya Goswami, Adv.

ASSISTANT REGISTRAR