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ITEM NO.10

COURT NO.12

SECTION IX

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(s).14878/2013

(From the judgement and order dated 22/02/2013 in LPA No.813/2011 in SCA No.2563/2011 of The HIGH COURT OF GUJARAT AT AHMEDABAD)

SURAT URBAN DEVELOPMENT AUTHORITY & ORS Petitioner(s)

VERSUS

SACHIN UDHYOGNAGAR SAHAKARI MANDALI LTD Respondent(s)

(With prayer for interim relief )

Date: 03/09/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE GYAN SUDHA MISRA  
HON'BLE MR. JUSTICE PINAKI CHANDRA GHOSE

For Petitioner(s) Mr. S.K. Dholakiya, Sr.Adv.  
Mr. Dhaval Nanavati, Adv.  
Ms. Hemantika Wahi, Adv.  
Mr. Pritesh Kapur, Adv.  
Ms. Shubhada Deshpande, Adv.  
Ms. Nandani Gupta, Adv.

For Respondent(s) Mr. C.A. Sundaram, Sr. Adv.  
Mr. Shyam Divan, Sr. Adv.  
Mr. Shrish Sajjanwala, Sr. Adv.  
Mr. Amit Thakkar, Adv.  
Mr. Shamik Sajjanwala, Adv.  
Mr. Mahesh Agarwal, Adv.  
Mr. Rishi Agrawala, Adv.  
Mr. E.C. Agrawala, Adv.  
Mr. Abhinav Agrawal, Adv.  
Ms. Aparna Singhal, Adv.

UPON hearing counsel the Court made the following

O R D E R

After hearing counsel for the parties at some length, we are of the view that considering the fact that the respondent has been allowed to develop the land as an industrial land by carving out the plots and passing various orders from time to time indicating that the respondent was entitled to develop the land as industrial land, we deem it appropriate to observe that this may be a fit case at least for grant of post facto

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approval of the development made by the respondent which is a requirement under Section 65 of the Bombay Land Revenue Code, 1879.

However, since the respondent has not succeeded in establishing that it was a clear case of grant of approval by the petitioners to the respondent to develop the land as industrial land without any pre-condition for conversion of the land from agricultural to industrial, we deem it appropriate to direct the petitioners to inform this Court on the next date as to how much amount is payable by the contesting respondent towards conversion charges of the land from agricultural to industrial which would make the respondent liable to pay by way of assessment towards land revenue.

The matter be posted again on 24.9.2013.

|  
|Sr.P.A.

|(Neetu Khajuria)

|Court Master

|(S.S.R. Krishna)

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