

ITEM NO.26

COURT NO.1

SECTION XIV

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

Petition(s) for
Special Leave to Appeal (C) No(s). 22046-22052/2010

(Arising out of impugned final judgment and order dated 18/11/2009 in CWP No. 1293/2009 18/11/2009 in CWP No. 1645/2009 18/11/2009 in CWP No. 1646/2009 18/11/2009 in CWP No. 1647/2009 18/11/2009 in CWP No. 1648/2009 18/11/2009 in CWP No. 1651/2009 18/11/2009 in CWP No. 1706/2009 18/11/2009 in CWP No. 1293/2009 18/11/2009 in CWP No. 1645/2009 18/11/2009 in CWP No. 1646/2009 18/11/2009 in CWP No. 1647/2009 18/11/2009 in CWP No. 1648/2009 18/11/2009 in CWP No. 1651/2009 18/11/2009 in CWP No. 1706/2009 passed by the High Court Of Himachal Pradesh At Shimla)

BARANG SAIN & ORS

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With interim relief and office report)
(With I.A.No.15 - Appln. For substitution for changing the name of respondent no.12)

WITH SLP(C) No. 25216/2010

(With Interim Relief and Office Report)
(With I.A.No.15 - Appln. For substitution for changing the name of respondent no.8)

Date: 11/03/2016 These petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE UDAY UMESH LALIT

For Petitioner(s) Ms. Rashmi Nandakumar, Adv.
(SLP 22046-22052/2010) Ms. Anitha Shenoy, Adv.

(SLP 25216/2010) Mr. Anil Nag, Adv.

For Respondent(s) Mr. S.B. Upadhyay, Sr. Adv.
Mr. Pawan Upadhyay, Adv.
Ms. Anisha Upadhyay, Adv.
Mr. Pavan Mishra, Adv.
Mr. Kaustuv Pathak, Adv.
Ms. Sharmila Upadhyay, Adv.

Mr. Bhaskar Y. Kulkarni, Adv.

Mr. Suryanaranana Singh, Sr. AAG
Ms. Pragati Neekhara, Adv.

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

Applications (I.A.No.15 of 2016 In SLP(C)No.22046-22052 of 2010 and I.A. No.4 of 2016 in SLP(C) No.25216 of 2010) for substitution are allowed and M/s. Himachal Baspa Power Company is substituted in place of respondent-M/s. Jaypee Karcham Hydro Corporation Ltd. in both the matters. Cause title be amended accordingly.

We have heard learned counsel for the parties at some length who have taken up through the order passed by the High court and the relevant documents. We however see no reason to interfere with the order impugned.

Mr. Anil Nag, learned counsel for the petitioner in SLP(C) No.25216 of 2010, argues that the respondents have not fully implemented the scheme for rehabilitation of the oustees and the area development in terms of Hydel Power Policy framed in the year 2006. He further submits that the requisite funds for rehabilitation and area development have also not been provided by the State Government or the respondent company-M/s. Jaypee Karcham Hydro Corporation Limited.

This position is stoutly disputed by Mr. S.B. Upadhyay, learned senior counsel appearing for the project proponent. According to him all steps for the rehabilitation of the oustees have been taken strictly in accordance with the prevalent policy.

We do not consider it necessary to delve deeper into this

aspect. According to us, the appropriate forum for the petitioners to agitate the issues raised by them is before the High Court who has already issued specific directions to the respondents to carry out rehabilitation of the oustees and development of the area in terms of the prevalent Policy. In case there is any neglect on the part of the respondents in complying with the said direction or in carrying out the process of rehabilitation, it shall be open to the petitioners or any other aggrieved person to approach the High Court for redressal. Reserving liberty to the petitioners to approach the High Court, in case the needful is not done by the respondents, the special leave petitions are dismissed leaving the parties to bear their own costs.

(MAHABIR SINGH)
COURT MASTER

(VEENA KHERA)
COURT MASTER