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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
RECORD OF PROCEEDINGS

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 â 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 â 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.

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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

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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