

ITEM NO.105

COURT NO.5

SECTION IX

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

Civil Appeal No(s). 1479/2006

DIVYAGNAKUMARI HARISINH PARMAR &amp; ORS.

Appellant(s)

VERSUS

UNION OF INDIA &amp; ORS.

Respondent(s)

( IA No. 118198/2017 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES & IA No. 1/2005 - PERMISSION TO FILE LENGTHY LIST OF DATES, IA No.177993/2023- FOR IMPEADMENT, IA No.177997/2023- FOR DIRECTIONS, IA No.206501/2023-FOR IMPEADMENT, IA NO.205224/2023-FOR MODIFICATION, IA NO.236808/2023-FOR IMPEADMENT & IA NO.236817/2023 - FOR DIRECTIONS)

WITH

C.A. No. 1480/2006 (IX)

IA No. 7/2014 - APPLICATION FOR SUBSTITUTION

IA No. 5/2013 - APPLICATION FOR SUBSTITUTION

IA No. 8/2014 - CONDONATION OF DELAY IN FILING SUBSTITUTION APPLN.

IA No. 6/2013 - CONDONATION OF DELAY IN FILING SUBSTITUTION APPLN.)

C.A. No. 1488/2006 (IX)

C.A. No. 1486/2006 (IX)

C.A. No. 1181/2017 (III)

FOR [Appl. for Subs. of Lrs of decd. appellant no. 1(a)] ON IA 84320/2013)

C.A. No. 1482/2006 (IX)

C.A. No. 1483/2006 (IX)

C.A. No. 1487/2006 (IX)

C.A. No. 1484/2006 (IX)

C.A. No. 1489/2006 (IX)

( FOR APPLICATION FOR SUBSTITUTION ON IA 7/2013 & FOR CONDONATION OF DELAY IN FILING SUBSTITUTION APPLN. ON IA 8/2013 FOR ON IA 9/2015)

C.A. No. 1481/2006 (IX)

IA No. 43423/2020 - APPLICATION FOR SUBSTITUTION &amp; IA No.

43427/2020 - CONDONATION OF DELAY IN FILING SUBSTITUTION APPLN.)

C.A. No. 1485/2006 (IX)  
( FOR CONDONATION OF DELAY IN FILING SUBSTITUTION APPLN. ON IA  
4/2014)

Date : 11-01-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ANIRUDDHA BOSE  
HON'BLE MR. JUSTICE SANJAY KUMAR

For Appellant(s) Mr. Rakesh Dwivedi, Sr. Adv.  
Mr. Rana Mukherjee, Sr. Adv.  
Mr. Dama Seshadri Naidu, Sr. Adv.  
Mr. Shivaji M. Jadhav, AOR  
Mr. Brij Kishor Sah, Adv.  
Mr. Adarsh Kumar Pandey, Adv.  
Ms. Apurva, Adv.  
Mr. Aditya S. Jadhav, Adv.  
Mr. Vignesh Singh, Adv.  
Mr. Chanakya Baruah, Adv.  
Ms. Namisha Jain, Adv.  
Mr. Arun Kanwa, Adv.

For Respondent(s) Mr. Tushar Mehta, SG (NP)  
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Mrs. Shradha Deshmukh, Adv.  
Mrs. Deepanwita Priyanka, Adv.  
Mr. Siddhartha Sinha, Adv.  
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Mr. Harish Pandey, Adv.

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Mr. Pratham Sagar, Adv.d  
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Ms. Madhavi Divan, Sr.Adv.  
Mr. Shamik Sanjanwala, Adv.  
Mr. Shantanu Parmar, Adv.  
Mr. Aayog Doshi, Adv.  
Mr. Shamik Shirishbhai Sanjanwala, AOR

Mr. Smarhar Singh, AOR

Mr. Anirudh Sharma, AOR

Mr. Anshuman Tiwari, Adv.

Mr. Shyamal Kumar, AOR

Mr. Smarhar Singh, AOR

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

Civil Appeal No(s). 1479/2006

In IA No.236808/2023, Mumbai Urja Marg Limited, a corporate entity engaged in the business of transmission of electricity seeks to be impleaded in this appeal. It is submitted by Ms.Divan, learned senior counsel for the applicant that their interest in the subject land is limited to the extent of laying down a transmission line. We are satisfied that the applicant has sufficient interest to be impleaded in this appeal as respondent. Hence, application for impleadment is allowed.

Cause title be amended accordingly.

IA No.236817/2023 has been taken out by the same applicant. It claims that it has permission to lay down the transmission line in terms of the Section 164 of the Electricity Act, 2003 and order to that effect has been passed by Central Electricity Authority, Ministry of Power, Government of India on 23.09.2021. The notification in that regard has been made Annexure A-2 to the IA No.236817/2023. The issue in the main appeal is over ownership or title to the land through which the transmission line are required to be laid. Question would arise, in view of the order passed in the application taken out by the transmission company as to who would get the compensation, if any, for this purpose.

We, accordingly, allow IA No.236817/2023 permitting the applicant to lay the transmission line in terms of the order dated

23.09.2021 and to that extent the order of status quo passed on 12.09.2005 and 24.02.2006 shall stand modified. The question as to who would be entitled to compensation, if any, for carrying such transmission line over the land in question is kept open and shall be determined as per the outcome of this appeal.

Both the IA Nos.236808 & 236817 of 2023 are allowed in the above terms.

List this appeal for hearing after four weeks along with other connected appeals.

Let IA Nos.177993, 177997, 206501 & 205224 of 2023 be listed on the next date of hearing for consideration.

(NIRMALA NEGI)  
COURT MASTER (SH)

(RENU BALA GAMBHIR)  
COURT MASTER (NSH)