

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS  
CIVIL APPEAL NO(s). 7114-7115 OF 2003

M.C.D. Appellant (s)  
 VERSUS  
 ASSCN., VICTIMS OF UPHAAR TRAGEDY & ORS. Respondent(s)  
 (With office report)  
 WITH Civil Appeal NO. 6748 of 2004  
 (With appln.(s) for permission to file rejoinder affidavit and  
 office report)  
 Civil Appeal NO. 7116 of 2003

Date: 16/12/2009 These Appeals were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE R.V. RAVEENDRAN  
 HON'BLE MR. JUSTICE K.S. RADHAKRISHNAN

For Appellant(s) Mr. Sanjiv Sen, Adv.  
 Mr. Praveen Swarup, Adv.  
 Ms. Anuja Chopra, Adv.

Mr. Rajan Narain, Adv.

For Respondent(s) Mr. K.T.S. Tulsi, Sr. Adv.  
 Mr. Jayant K. Mehta, Adv.  
 Mr. Ravinder Singh, Adv.  
 Mr. Maheen Pradhan, Adv.  
 Mr. Sandeep Phogat, Adv.  
 Mr. Prem Malhotra, Adv.

Mr. Mukul Gupta ,Adv

For Mr. Vishnu B. Saharya, Adv.  
 M/S Saharya & Co. ,Adv

For Licensing Auth./  
 Ministry of Home Af. Ms. Indra Jaising, ASG  
 Mr. Brijender Chahar, Sr. Adv.  
 Mr. Vinay Garg, Adv.  
 Mr. Shailendra Sharma, Adv.  
 Ms. Asha G. Nair, Adv.  
 Ms. Anil Katiyar, Adv.  
 Mr. S.N. Terdal, Adv.  
 Ms. Jyoti Chahar, Adv.  
 Ms. Rekha Pandey, Adv.

Ms. Sushma Suri ,Adv

Mr. D.S. Mahra ,Adv

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ITEM NO.36(PH) COURT NO.5 DATED 16/12/2009 ....contd.

For Uphaar Cinema Mr. A.K. Ganguli, Sr. Adv.  
 Mr. R.S. Suri, Sr. Adv.  
 Mr. Apoorve Karal, Adv.  
 Mr. Chaitanya, Adv.  
 Mr. Manu Sharma, Adv.  
 Mr. Debesh Panda, Adv.  
 Mr. C.K. Ganguli, Adv.

Mr. K.S. Prasad, Adv.

For DVB

Mr. P.P. Malhotra, ASG  
Mr. Sanjeev Kr. Dubey, Adv.  
Mr. Jamal Akhtar, Adv  
Mr. Chetan Chawla, Adv.  
Mr. Gaurav Sharma, Adv.  
Mr. Vanshdeep Dalmia, Adv.

UPON hearing counsel the Court made the following

O R D E R

Arguments concluded.

Learned counsel for the appellants and respondents submitted suggestions to reduce such accidents.

Ms. Indra Jaising, learned ASG appearing for the Licensing Authority/Central Government submitted that the Ministry of Home Affairs had deposited a sum of Rs.2.14 crores in pursuance of the judgment of the Delhi High Court subject to the outcome in these appeals; that the Central Government has instructed her that the said sum may be disbursed ex-gratia to the victims of the Uphaar tragedy pro rata subject to the following conditions:-

(i) that there is no admission of liability against the Commissioner of Police;

(ii) that the judgment will not be treated as a precedent insofar as the liability of Licensing Authority; and

(iii) that the amount may be distributed to the victims as a gesture of goodwill.

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ITEM NO.36(PH)

COURT NO.5

DATED 16/12/2009

....contd.

Mr. A.K. Ganguli, learned senior counsel appearing for the appellant in C.A. No.6748 of 2004 (Ansals Theatres and Clubotels Pvt. Ltd.) submitted that the theatre owners would voluntarily deposit a sum of rupees three crores with the Registrar General, High Court of Delhi for being disbursed to the victims of Uphaar tragedy and the said payment would be made irrespective of the result of the present proceedings.

Mr. K.T.S. Tulsi, learned senior counsel appearing for the Association of Victims of Uphaar tragedy submits that the families of victims are not interested in accepting any payment from the theatre owners either as charity or ex-gratia and they will receive from the theatre owners only compensation in accordance with any direction of the Court.

On 24/11/2009, before the arguments commenced, we had directed that without prejudice to the rights of the parties, the amount already deposited by the theatre owners should be distributed pro rata among the victims after completing the process of verification.

We direct the Registrar General, High Court of Delhi, that in addition to amount ordered to be disbursed in terms of the order dated 24/11/2009, the amount that

is deposited by the Ministry of Home Affairs (Licensing Authority) as also a sum of rupees three crores which the theatre owners have agreed to deposit as per memo filed today may also be disbursed pro rata. It is made clear .....4.

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ITEM NO.36(PH) COURT NO.5 DATED 16/12/2009 ....contd.

that the amounts will be received by the victims without prejudice towards the amounts that may be ultimately found due to them.

For expediting the process of disbursement, we direct the Registrar General, High Court of Delhi to apportion the amounts in the following ratio: (i) one unit to each injured, (ii) eighteen units to the families of each adult who died in the accident and (iii) fifteen units for the families of persons below 20 years who died in the accident. This means that total amount available for distribution shall be disbursed in the following ratio:

(i) The family of each adult who died : 18/1096  
(36 cases)

(ii) The family of each deceased (less than 20 years) (23 cases) : 15/1096

(iii) Each injured : 1/1096

Mr. P.P. Malhotra, learned senior counsel appearing for the Delhi Vidyut Board submitted that whatever amounts that has been paid by them is without prejudice to its right to claim the same against the theatre owners.

Judgment reserved.

Parties to file their written submissions within one week.

( Ravi P. Verma ) ( M.S. Negi )  
Court Master Court Master