

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.2415/2010

UNION OF INDIA & ORS.

Appellant(s)

VERSUS

M/S.INFOPARK KERALA

Respondent (s)

WITH

SLP(C) No.2287/2012

SLP(C) No.19148/2015

C.A. No.5902/2015

C.A. No.8783/2016

C.A. No.1065/2017

O R D E R

The controversy raised in the present appeals is as to whether the payment of compensation on agreed terms in respect of the land acquired would be entitled for exemption under Section 10 (37) of the Income Tax Act, 1961 or not.

This Court in the case of *Balakrishnan v. Union of India & Ors.* - 2017 (2) SCALE 1 has held that even if the amount of compensation is paid on agreed terms it would not change the character of the acquisition from that of compulsory acquisition to the voluntary sale and the exemption provided under the Income Tax Act would be available and such negotiations would be confined to the quantum of compensation only.

In view of the aforesaid discussion, we see no ground to interfere with the impugned order passed by

the High Court.

Accordingly, the Civil Appeals and the Special Leave Petitions fail and the same are dismissed.

.....J.
[R.K. AGRAWAL]

.....J.
[MOHAN M. SHANTANAGODAR]

NEW DELHI;
APRIL 05, 2017

ITEM NO.115

COURT NO.9

SECTION IIIA

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.2415/2010

UNION OF INDIA & ORS.

Appellant(s)

VERSUS

M/S.INFOPARK KERALA

Respondent(s)

WITH

SLP(C) No. 2287/2012 (With office report)

SLP(C) No. 19148/2015 (With office report)

C.A. Nos. 5902/2015 and 8783/2016

C.A. No. 1065/2017 (With office report)

Date : 05/04/2017 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.K. AGRAWAL

HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR

For Appellant(s) Mr. K.Radhakrishnan,Sr.Adv.
Mr. Arijit Prasad,Adv.
Mr. T.M.Singh,Adv.
For Mrs. Anil Katiyar,Adv.

For Respondent(s) Mr. Arvind P.Datar,Sr.Adv.
Mr. Pratap Venugopal,Adv.
Ms. Surekha Raman,adv.
Ms. Niharika,Adv.
Ms. Kanika Kalaiyarasan,Adv.
For M/s. K. J. John & Co.,Advs.

Mr. B. Krishna Prasad,Adv.

Mr. M. T. George,Adv.

Mr. Shreekant N. Terdal,Adv.

Mr. T. V. George,Adv.

Mr. Somil Agarwal, Adv.
Ms. Monika Ghai, Adv.
Mr. Ambhoj Kumar Sinha, Adv.

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

The civil appeals and the special leave petitions
are dismissed in terms of the signed order.

(ASHA SUNDRIYAL)
COURT MASTER

(CHANDER BALA)
COURT MASTER

(Signed order is placed on the file.)