

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGSSPECIAL LEAVE PETITION (CIVIL) Diary No(s). 8027/2022

(Arising out of impugned judgment and order dated 20-07-2018 in WP(C) No. 3/2017 passed by the High Court of Delhi at New Delhi)

DELHI DEVELOPMENT AUTHORITY

Petitioner(s)

VERSUS

ASHU & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.78304/2022-CONDONATION OF DELAY IN FILING and IA No.78305/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 07-08-2023 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE HRISHIKESH ROY
HON'BLE MR. JUSTICE PANKAJ MITHAL

For Petitioner(s) Ms. Sunieta Ojha, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following

O R D E R

The affidavit explaining the delay is perused. The delay stands condoned.

Heard Ms. Sunieta Ojha, the learned counsel appearing for the petitioner.

Here the possession of the acquired land was taken over and then handed over to the requisitioning agency i.e., the DDA and they had deposited the money towards the LA compensation with the LAC. The counsel would also submit that the respondents were claiming relief on the basis of GPA, Will etc. but those issues were not taken into account by the High Court. The Court made the

observation that there is gap of more than five years between the Award and the commencement of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and yet compensation has not been paid to the affected land owners.

The interpretation given subsequently by the Constitution Bench in *Indore Development Authority v. Manoharlal & Ors.* reported in (2020) 8 SCC 129 alters the earlier legal position as per *Indore Development Authority v. Shailendra (Dead) through Legal Representatives & Ors.* reported in (2018) 1 SCC 733. This is highlighted by the petitioner's counsel in support of her submission.

Issue notice, returnable in four weeks.

(NITIN TALREJA)
COURT MASTER (SH)

(KAMLESH RAWAT)
ASSISTANT REGISTRAR