

33902-33909/2014

(Application for condonation of delay in filing substitution application)

Haryana State Industrial & Infrac.
Development Corp. Ltd. Etc. Etc.

...Petitioner(s)

Versus

Des Raj & Ors. Etc. Etc.

...Respondent(s)

OFFICE REPORT

SLP (C) Nos.3086-3135/2016 and 3067-82/2016

The matters above mentioned were listed before the Hon'ble Court on 27.01.2016, when the Court was pleased to pass the following order:-

" Permission to file special leave petitions, filed by the LRs. is granted.

Delay in filing substitution applications is condoned.

Substitution allowed.

Issue notice by speed post.

Tag with SLP(C)No.10832/2015.

Proceedings pending before the trial court shall remain stayed.

It is directed that if other land owners have been paid compensation as per judgment dated 2nd July, 2013, passed by this Court in Civil Appeal Nos.4843-4940 of 2013 [Haryana State Industrial Development Corporation Ltd. Vs. Udal & Ors. Etc.], the petitioners shall also be paid accordingly. The compensation so paid shall be subject to final orders that might be passed by this Court.

It would be open to the parties to place on record the details with regard to evidence, which has already been adduced, in tabular form."

SLP (C) Nos.3086-3135/2016

It is submitted that notice issued to Respondent Nos. 1-8. Dr. Monika Gusain, Advocate has filed Vakalatnama on behalf of Respondent Nos. 1-3. Neither AD Cards nor unserved covers containing notice have been received back from Respondent Nos. 4-8 so far.

It is further submitted that Mr. Vipin Kumar Jain, Advocate has on 05.09.2016 filed application for impleadment/respondent, application for permission to file additional documents and application for exemption from filing official translation of Annexure A5 and the same have been registered as I.A. Nos. 9, 10 & 11 and being circulated to the Hon'ble Court.

It is further submitted that cause title has been amended accordingly and included in SLP paper books.

SLP (C) Nos.3067-82/2016

It is submitted that pursuant to the aforesaid order, show cause notice was issued on 09.03.2016 to all the respondents. Dr. Monika Gusain, Advocate has filed Vakalatnama & Memo of Appearance on behalf of Respondent No. 1 (State of Haryana) in all the matters. Mr. Shekhar Kumar, Advocate has filed Vakalatnama & Memo of Appearance along with Counter Affidavit on behalf of Respondent No. 2 in SLP (C) No. 3067, 3069, and Respondent No. 4 in SLP (C) No. 3071, 3073 and Respondent No. 3 in SLP (C) No. 3075, 3077, 3079 & 3081 of 2016. The same has been included in the SLP paper books. Neither A.D. cards nor unserved covers containing notice have been received back from respondent nos. 3-5 so far.

SLP (C) No. 10832/2015

The matter above mentioned was listed before the Hon'ble Court on 13.04.2015, when the Court was pleased to pass the following order:-

“ Exemption from filing certified copy of the impugned judgment is allowed.

I.A. for deletion of proforma respondents is allowed.

Issue notice.

Tag with SLP(C)Nos. 33902-33909 of 2014 (@ CC Nos. 18542-18549 of 2014).”

It is submitted that there are total 14 respondents

and Respondent Nos. 3 to 14 have been deleted from the array of parties vide Court's order dated 13.04.2015.

It is further submitted that Mr. Sanjay Kumar Visen, Advocate has filed Vakalatnama & Memo of Appearance on behalf of Respondent No. 1 & 2 which is barred by time by 37 days as per Court's order dated 16.02.2016. He has not filed Counter Affidavit on behalf of Respondent Nos. 1 & 2.

It is also submitted that Counsel for the petitioner has not filed proof of service the pleadings to the Counsel for the respondents so far.

Service of show cause notice is complete.

The matter above mentioned was lastly listed before the Ld. Registrar's Court on 04.07.2016, when the following Order was passed:-

" The office report indicates that the Ld. Counsel for the petitioner 33902 has failed to serve the copy of the pleadings to both the respondents for filing the counter affidavit. List the matter before the Hon'ble Court with appropriate office report."

SLP (C) Nos. 10265-342/2016

The matter above mentioned was listed before the Hon'ble Court on 01.04.2016, when the Court was pleased to pass the following order :-

" Permission to file the special leave petitions is granted.

Delay in filing the substitution applications is condoned.

The applications for substitution are allowed.

Tag with S.L.P.(C) Nos.5444-5448 of 2016 arising out of CC Nos. 2585-2586 of 2016.

Compensation, as determined by the Reference Court, be paid to the land owners. The said payment shall be subject to the final outcome of the present proceedings."

The matter above mentioned was listed before the

Hon'ble Court on 09.08.2016 alongwith connected matters, when the Court was pleased to pass inter alia the following order :-

"SLP(C)Nos.3086-3135/2016,10265-10342/2016, 17734-17803/2016,18043-18117/2016, SLP(C)...CC Nos.7409-7476/2016, 12624-12678/2016 and 11922-11974/2016

De-tagged.

List these matters on 28th September, 2016."

It is submitted that this is fresh adjourned matter.

SLP (C) Nos. 4152-4155, 5444-5448/2016

The matters above mentioned were listed before the Hon'ble Court on 15.02.2016, when the Court was pleased to pass the following order:-

" Delay condoned.
Tag with SLP(Civil)Nos.3067-3082 of 2016.

Compensation as determined by the Reference Court be paid to the land owners."

It is submitted that pursuant to the aforesaid order, the matters above mentioned are tagged with SLP (C) No. 3067-3082/2016.

SLP (C) No. 3661/2016

The matter above mentioned was listed before the Hon'ble Court on 26.02.2016, when the Court was pleased to pass the following order:-

" Tag with SLP (C) Nos. 3086-3135 of 2016."

It is submitted that pursuant to the aforesaid order, the above mentioned is tagged with SLP (C) Nos. 3086-3135 of 2016.

SLP (C) No. 7086-7090/2016

The matter above mentioned was listed before the

Hon'ble Court on 08.03.2016, when the Court was pleased to pass the following order:-

" Delay condoned.
Tag with SLP(C)Nos.....CC
Nos.2585-2586/2016.
Compensation, as determined by the
Reference Court, be paid to the land owners.
The said payment shall be subject to the
final outcome of the present proceedings."

It is submitted that pursuant to the aforesaid order, the above mentioned is tagged with SLP (C) Nos. 3086-3135 of 2016.

SLP (C) Nos. 10365-10370/2016

The matter above mentioned was listed before the Hon'ble Court on 01.04.2016 when the Court was pleased to pass the following order:-

" Permission to file the special leave petitions is granted.
Delay in filing the substitution applications is condoned.
The applications for substitution are allowed.
Tag with S.L.P.(C) Nos.5444-5448 of 2016 arising out of CC Nos. 2585-2586 of 2016.
Compensation, as determined by the Reference Court, be paid to the land owners.
The said payment shall be subject to the final outcome of the present proceedings."

It is submitted that pursuant to the aforesaid order, the matters above mentioned are tagged with SLP (C) Nos. 5444-5448 of 2016. Cause title has been amended accordingly and also included in SLP paper books.

SLP (C) No. 17734-803/2016 and 18043-117/2016

The matter above mentioned was listed before the Hon'ble Court on 29.06.2016 alongwith connected matters, when the Court was pleased to pass inter alia the following order :-

" Permission to file SLPs is granted.

Delay condoned.

Substitution allowed.

Application for deletion of proforma respondents is granted. Respondent Nos.2 & 3 are deleted from the array of parties at the risk of the petitioners.

Tag with SLP(C)No.10832/2015."

It is submitted for the information of the Hon'ble Court that Dr. Kailash Chand, Advocate for the petitioner has filed application for direction which is registered as I.A. Nos. 103-172. The same is circulated before the Hon'ble Court.

It is lastly submitted that Cause title has been amended accordingly and included in the SLP paper books.

SLP (C) CC No. 7409-76/2016

The matter above mentioned was listed before the Hon'ble Court on 09.08.2016 alongwith connected matters, when the Court was pleased to pass inter alia the following order :-

"SLP(C)Nos.3086-3135/2016,10265-10342/2016,
17734-17803/2016,18043-18117/2016, SLP(C)...CC
Nos.7409-7476/2016, 12624-12678/2016 and
11922-11974/2016

De-tagged.

List these matters on 28th September, 2016."

It is submitted that this is fresh adjourned matter.

SLP (C) No. CC No. 8199-8213/2016

The matters above mentioned were listed before the Hon'ble Court on 02.05.2016, when the Court was pleased to pass the following order:-

" Tag with SLP(C)No. 10832/2015.

Proceedings pending before the trial court shall remain stayed.

It is directed that if other land owners have been paid compensation as per judgment dated 2nd July, 2013, passed by this Court in Civil Appeal Nos.4843-4940 of 2013 [Haryana State Industrial Development Corporation Ltd. Vs. Udal & Ors. Etc.], the

petitioners shall also be paid accordingly. The compensation so paid shall be subject to final orders that might be passed by this Court.

It would be open to the parties to place on record the details with regard to evidence, which has already been adduced, in tabular form."

It is submitted that pursuant to the aforesaid order, the above mentioned matters are tagged with SLP (C) No. 10832/2015.

SLP (C) Nos. 28334, 28330, 28326 and 18577/2016

The matters above mentioned were listed before the Hon'ble Court on 29.06.2016, when the Court was pleased to pass the following order:-

" Permission to file SLPs is granted.
Delay condoned.
Substitution allowed.
Application for deletion of proforma respondents is granted. Respondent Nos.2 & 3 are deleted from the array of parties at the risk of the petitioners.
Tag with SLP(C)No.10832/2015."

It is submitted that pursuant to the aforesaid order, the above mentioned SLPs are tagged with SLP (C) No. 10832/2015.

It is further submitted that Dr. Kailash Chand, Counsel for the petitioner has on 12.07.2016 filed an application for directions. The same is being circulated before the Hon'ble Court.

It is further submitted that pursuant to the above order, proforma Respondent No. 4 has been deleted from the array of parties in SLP (C) No. 28326/2016.

SLP (C) No. 18746/2016

The matter above mentioned was listed before the Hon'ble Court on 11.07.2016, when the Court was pleased to

pass the following order:-

" Delay condoned.
Issue notice.
Tag with SLP (Civil) Nos.
14595-14609/2016. "

It is submitted that show cause notice was issued to all the respondents. Service of show cause notice is not complete.

SLP (C) Nos. 28287-28289 and 28291-28294/2016

The matters above mentioned were listed before the Hon'ble Court on 09.09.2016, when the Court was pleased to pass the following order:-

" Delay condoned.
Tag with SLP(C)Nos.3067-3082/2016."

The matters above mentioned alongwith connected matters except SLP (C) Nos. 28287-89 and 28291-94 of 2016 were listed before the Hon'ble Court on 09.08.2016, when inter alia the Court was pleased to pass the following order:-

"SLP(C)Nos.33902-33909/2014,10832/2015,3067-3082/2016, 4152-4155/2016, 5444- 5448/2016, 3661/2016, 7086-7090/2016, 10365- 10370/2016, 18577/2016, SLP(C)...CC Nos. 8199- 8213/2016, 11339/2016,11499/2016 and 8883/2016

List these matters on 27th September, 2016..."

SLP (C) Nos.29473-29474 and 29366-29367 of 2016

The matters above mentioned were listed before the Hon'ble Court on 23.09.2016, when the Court was pleased to pass the following order:-

" Delay condoned.
Tag with SLP(C)Nos.3067-3082/2016."

SLP (C) No. 29340-43 of 2016

The matter above mentioned was listed before the

Hon'ble Court on 23.09.2016, when the Court was pleased to pass the following order:-

" Delay condoned.
Application(s) for substitution is/are allowed.
Application(s) for deletion of proforma respondents is/are allowed at the risk of the petitioners.
Tag with SLP(C)No.3067-3082/2016."

SLP (C) No. 31831-32 of 2016

The matter above mentioned was listed before the Hon'ble Court on 03.10.2016, when the Court was pleased to pass the following order:-

" Delay condoned.
Tag with SLP(C)No.18577/2016."

SLP (C) No. 32788-842 of 2016

The matter above mentioned was listed before the Hon'ble Court on 28.10.2016, when the Court was pleased to pass the following order:-

" Permission to file special leave petitions is granted.
Delay in filing the substitution application is condoned.
The application(s) for substitution is/are allowed.
Tag with SLP(C)Nos.5444-5448 of 2016 arising out of SLP(C)...CC Nos.2585-2586 of 2016."

SLP (C) CC Nos. 18893-97 and 19034-39 of 2016

The matters above mentioned were listed before the Hon'ble Court on 17.10.2016, when the Court was pleased to pass the following order:-

" To be taken up along with CC No.1133-1148/2016, which is noted for listing on 22.11.2016.
Implementation of the impugned judgments qua remanding the matters to the Reference Court is stayed.
The petitioners are directed to serve a copy of the petitions upon the Standing Counsel for the State of Haryana."

It is submitted that Counsel for the petitioners has filed proof of serving the copy of the petitions upon the standing counsel for the State of Haryana in CC No. 18893-97 of 2016 only.

SLP (C) No. 30677-81/2016

The matters above mentioned were listed before the Hon'ble Court on 11.11.2016, when the Court was pleased to pass the following order:-

" Delay condoned.
Permission to file SLP is granted.
Issue notice on the applications of condonation of delay in filing substitution application, substitution and special leave petition.
Application for deletion of proforma respondent is allowed.
Tag with SLP(C)Nos.14595-14609/2016."

It is submitted that there are 4 respondents in this matter and show cause notice was issued on 23.12.2016. As per tracking report, service of show cause notice is not complete on all the respondents.

SLP (C) CC Nos. 21439-441, 21783, 21984-985 and 21543-45/2016

The matters above mentioned were listed before the Hon'ble Court on 18.11.2016, when the Court was pleased to pass the following order:-

" Permission to file SLP granted.
Abatement, if any, is set aside.
Delay condoned in filing substitution application(s).
Application(s) for substitution is allowed.
To be heard after the judgment in Special Leave Petition(C) No.10832 of 2015 and other connected matters is delivered. Proceedings pending before the Trial Court shall remain stayed.
It is directed that if other land owners have been paid compensation as per

judgment dated 2nd July, 2013 passed by this Court in Civil Appeal Nos.4843-4940 of 2013 [Haryana State Industrial Development Corporation Limited Vs. Udal & Others etc.], the petitioners shall also be paid accordingly. The compensation so paid shall be subject to final orders that might be passed by this Court.

Tag with SLP(C)...CC Nos.8589-8603 of 2016."

The SLP (C) CC Nos. 21439-441 of 2016 were again listed before the Hon'ble Court on 30.01.2017, when the Court was pleased to pass the following order:-

" Heard.

Put up on Tuesday, the 7th February, 2017 along with SLP(C)No(s).3086-3135 of 2016 and connected matters."

SLP (C) No. 14595-14609/2016

The matter above mentioned was listed before the Hon'ble Court on 09.05.2016, when the Court was pleased to pass the following order:-

" Permission to file the special leave petition in CC No. 8805 of 2016 is granted.

Delay condoned. The application for substitution is allowed.

To be heard after the judgement in Special Leave Petition(C) No. 10832 of 2015 and other connected matters is delivered.

Proceedings pending before the Trial Court shall remain stayed.

It is directed that if other land owners have been paid compensation as per judgment dated 2nd July, 2013, passed by this Court in Civil Appeal Nos. 4843-4940 of 2013 [Haryana State Industrial Development Corporation Limited versus Udal & Others etc.], the petitioners shall also be paid accordingly. The compensation so paid shall be subject to final orders that might be passed by this Court."

It is submitted that this is a fresh adjourned matter.

SLP (C) No. 38548/2016

The matter above mentioned was listed before the Hon'ble Court on 16.12.2016, when the Court was pleased to pass the following order:-

" Delay condoned.
Issue notice.
Tag with SLP (C) ...CC Nos.4614-4691
of 2016."

It is submitted that show cause notice was issued to all the 4 respondents. Service of show cause notice is awaited.

SLP (C) No. 2605-06/2017

The matters above mentioned were listed before the Hon'ble Court on 04.01.2017, when the Court was pleased to pass the following order:-

" Delay condoned.
Issue notice, returnable within four
weeks.
Tag with SLP(C) No.10832/2015 and
other connected matters.
Proceedings pending before the trial
court shall remain stayed."

It is submitted that show cause notice was issued to all the respondents. Service of show cause notice is awaited.

SLP (C) CC No.25201/2016

The matter above mentioned was listed before the Hon'ble Court on 06.01.2017, when the Court was pleased to pass the following order:-

" To be heard along with SLP(C)
Nos.33902-33909/2014, SLP(C)
No.3086-3135/2016 and other connected matters
which are coming up for hearing on
07.02.2017."

SLP (C) No. 2772/2017

The matter above mentioned was listed before the Hon'ble Court on 20.01.2017, when the Court was pleased to

pass the following order:-

" Delay condoned.
Issue notice.
Tag along with SLP(c) Nos. 5444-5448
of 2016 and other connected matters, which
cases are coming up for hearing on
17.02.2017.
Standing counsel for the State of
Haryana be also served.
The Registry is directed to list the
matters on 17.02.2017 irrespective of
whether service is complete in all matters
or not."

It is submitted that Counsel for the petitioner has not filed complete set of spare copies. Hence, show cause notice could not be issued.

SLP (C) CC No. 12624-678/2016 and 11922-974/2016

The matter above mentioned was listed before the Hon'ble Court on 09.08.2016 alongwith connected matters, when the Court was pleased to pass inter alia the following order :-

"SLP(C)Nos.3086-3135/2016,10265-10342/2016,
17734-17803/2016,18043-18117/2016, SLP(C)...CC
Nos.7409-7476/2016, 12624-12678/2016 and
11922-11974/2016

De-tagged.

List these matters on 28th September, 2016."

SLP (C) CC No. 12624-678/2016

It is submitted that this is fresh adjourned matter.

SLP (C) CC No. 11922-974/2016

It is submitted that this is fresh adjourned matter.

SLP(C) Nos.33902-33909/2014

The matter above mentioned was listed before the Hon'ble Court on 01.12.2014, when the Court was pleased to pass the following order:-

" It is informed that this case is covered by

the decision of this Court in "Haryana State Industrial Development Corporation Limited vs. Udal and others etc. Etc." reported in (2013) 14 SCC 506 decided on 2nd July, 2013.

Issue notice both on the application for condonation of delay as well as SLP returnable within four weeks.

Dasti, in addition, is permitted."

Accordingly, show cause notice was issued to all the respondents through registered A.D. Post.

Service positions of each SLP is as under:-

SLP	Total Resp.	Service Thr. Dasti/A.D	V/A	Neither A.D	Remarks
33902	5	1-5	-	-	Complete
33903	1	1	-	-	Complete
33904	1	-	1	-	Complete
33905	1	1	-	-	Complete
33906	1	-	-	-	Incomplete as sole Resp. (dead)
33907	15	1-6,8,14,15	9-13	-	Incomplete R-7 (Dead)
33908	1	-	1	-	Complete
33909	1	1	-	-	Complete

It is further submitted that now Respondent No. 1 in SLP (C) No. 33906/2014 and Respondent No. 7 in SLP (C) No. 33907/2014 have been reported to be dead and notice was directed to be issued on I.A. for substitution in respect of above said respondents vide Hon'ble Chamber Judge order dated 04.04.2016. But Counsel for the petitioner has filed spare copy barred by time by eight days and office report for direction has been updated in Chamber Pool.

Service of show cause notice is incomplete in respect of sole respondent in SLP (C) No. 33906/2014 and Respondent No. 7 in SLP (C) No. 33907/2014.

It is further submitted that the matter above

mentioned was lastly listed before the Hon'ble Court on 06.12.2016 along with connected matters, when the Court was pleased to pass the following order:-

" Tag with SLP(C)...CC Nos.8199-8213 of 2016, SLP (C)Nos.3086-3135/2016, SLP(C) Nos.10265-10342/2016, SLP(C)...CC Nos.8365-8434/2016, SLP(C) Nos. 18043-18117/2016, SLP(C)...CC Nos.7409-7476/2016, SLP(C)...CC Nos.12624-12678/2016 and SLP(C)...CC Nos.11922-11974/2016.

It has been agreed between the parties that SLP (C) Nos.3086-3135/2016 and SLP (C) Nos.10265-10342/2016 be treated as the leading cases and the pleadings be completed.

List all other matters along with these Special Leave Petitions on 07.02.2017."

The matters above mentioned are listed before the Hon'ble Court with this office report.

Dated this the 06th day of February, 2017.

ASSISTANT REGISTRAR

Copy to: Mr. A.D.N. Rao, Adv.
Dr. Kailash Chand, Adv.
Ms. Amita Gupta, Adv.
Dr. Monika Gusain, Adv.

ASSISTANT REGISTRAR

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