

ITEM NO.1+2

COURT NO.2

SECTION IV

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Miscellaneous Application No.50/2019 in C.A. No. 8788/2015

RAMESHWAR & ORS.

Petitioner(s)

VERSUS

STATE OF HARYANA & ORS.

Respondent(s)

(IA No. 91091/2020 - APPLICATION FOR PERMISSION
 IA No. 100745/2020 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 84065/2020 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 116128/2021 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 59743/2020 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 103292/2020 - CLARIFICATION/DIRECTION
 IA No. 137407/2019 - CLARIFICATION/DIRECTION
 IA No. 84067/2020 - EXEMPTION FROM FILING AFFIDAVIT
 IA No. 2254/2019 - EXTENSION OF TIME
 IA No. 84064/2020 - INTERVENTION/IMPLEADMENT
 IA No. 116120/2021 - INTERVENTION/IMPLEADMENT
 IA No. 46028/2020 - INTERVENTION/IMPLEADMENT
 IA No. 118798/2020 - PERMISSION TO FILE ADDITIONAL
 DOCUMENTS/FACTS/ANNEXURES)

WITH

Diary No(s). 26552/2019 (IV)

(IA No. 113206/2020 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 110995/2019 - CLARIFICATION/DIRECTION
 IA No. 91793/2020 - PERMISSION TO FILE ADDITIONAL
 DOCUMENTS/FACTS/ANNEXURES)

MA 2150/2020 in C.A. No. 8788/2015 (IV)

(IA No. 117025/2020 - APPLICATION FOR PERMISSION
 IA No. 112515/2020 - INTERVENTION/IMPLEADMENT
 IA No. 118401/2020 - PERMISSION TO FILE ADDITIONAL
 DOCUMENTS/FACTS/ANNEXURES)

MA 2149/2020 in C.A. No. 8788/2015 (IV)

(IA No. 118408/2020 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 118410/2020 - EXEMPTION FROM FILING O.T.
 IA No. 126826/2020 - PERMISSION TO FILE ADDITIONAL
 DOCUMENTS/FACTS/ANNEXURES)

CONMT.PET.(C) No. 2226/2018 in C.A. No. 8788/2015 (IV)

MA 864/2019 in C.A. No. 8788/2015 (IV)

(FOR ADMISSION and IA No.68542/2019-APPROPRIATE ORDERS/DIRECTIONS
 IA No. 68542/2019 - APPROPRIATE ORDERS/DIRECTIONS)

MA 1046/2019 in C.A. No. 8788/2015 (IV)
 (IA No. 73379/2019 - APPLICATION FOR PERMISSION
 IA No. 73380/2019 - CLARIFICATION/DIRECTION)

MA 1175/2019 in C.A. No. 8788/2015 (IV)
 (IA No. 84142/2020 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 82000/2020 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 93822/2019 - CLARIFICATION/DIRECTION
 IA No. 116268/2020 - EXEMPTION FROM FILING AFFIDAVIT
 IA No. 84143/2020 - EXEMPTION FROM FILING AFFIDAVIT
 IA No. 84138/2020 - INTERVENTION/IMPLEADMENT
 IA No. 112682/2020 - WITHDRAWAL OF CASE / APPLICATION)

Diary No(s). 24553/2019 (IV)
 (IA No. 62216/2020 - APPLICATION FOR PERMISSION
 IA No. 102358/2019 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 189667/2019 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 83251/2020 - CONDONATION OF DELAY IN FILING)

Diary No(s). 45009/2019 (IV)
 (IA No. 30807/2020 - APPLICATION FOR PERMISSION
 IA No. 191983/2019 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 3406/2020 - CLARIFICATION/DIRECTION
 IA No. 3403/2020 - INTERVENTION APPLICATION)

Diary No(s). 45026/2019 (IV)
 (IA No. 192027/2019 - APPROPRIATE ORDERS/DIRECTIONS)

SLP(C) No. 5490/2021 (IV-B)
 (IA No. 135990/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
 JUDGMENT
 IA No. 135991/2020 - EXEMPTION FROM FILING O.T.)

Diary No(s). 7888/2020 (IV)
 (IA No. 89570/2020 - AMENDMENT IN CAUSE TITLE
 IA No. 36484/2020 - APPLICATION FOR PERMISSION
 IA No. 36487/2020 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 36485/2020 - INTERVENTION/IMPLEADMENT)

CONMT.PET.(C) No. 513/2020 in C.A. No. 8788/2015 (IV)
 (IA No. 75955/2020 - EXEMPTION FROM FILING AFFIDAVIT)

MA 1521/2020 in C.A. No. 8788/2015 (IV)
 (IA No. 76605/2020 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 76602/2020 - INTERVENTION/IMPLEADMENT)

MA 2067/2020 in C.A. No. 8788/2015 (IV)
 (IA No. 111557/2020 - APPLICATION FOR PERMISSION
 IA No. 111563/2020 - CLARIFICATION/DIRECTION
 IA No. 111562/2020 - INTERVENTION/IMPLEADMENT)

MA 2228/2020 in C.A. No. 8788/2015 (IV)

(FOR ADMISSION

IA No. 128802/2020 - APPLICATION FOR PERMISSION
 IA No. 128807/2020 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 128803/2020 - INTERVENTION/IMPLEADMENT)

SLP(C) No. 2147/2021 (IV-B)
 (IA No. 16101/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
 JUDGMENT)

Diary No(s). 5699/2021 (IV)
 (IA No. 31180/2021 - APPLICATION FOR PERMISSION
 IA No. 128798/2021 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 31185/2021 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 128801/2021 - EXEMPTION FROM FILING AFFIDAVIT
 IA No. 128799/2021 - EXEMPTION FROM FILING O.T.
 IA No. 31182/2021 - INTERVENTION/IMPLEADMENT)

Diary No(s). 7775/2021 (IV)
 (IA No. 41690/2021 - INTERVENTION APPLICATION)

Diary No(s). 9505/2021 (IV)
 (IA No. 49986/2021 - APPLICATION FOR PERMISSION
 IA No. 49990/2021 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 49987/2021 - INTERVENTION/IMPLEADMENT)

Diary No(s). 6705/2022 (IV)
 (IA No. 31079/2022 - APPLICATION FOR PERMISSION
 IA No. 31081/2022 - CLARIFICATION/DIRECTION
 IA No. 31080/2022 - INTERVENTION/IMPLEADMENT)

Diary No(s). 9002/2022 (IV)
 (IA No. 49262/2022 - APPLICATION FOR PERMISSION
 IA No. 43263/2022 - INTERVENTION APPLICATION)

ITEM NO.2

CONMT.PET.(C) No. 716/2021 in MA 50/2019 in C.A. No. 8788/2015
 (FOR ADMISSION)

Date : 19-04-2022 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT
 HON'BLE MR. JUSTICE S. RAVINDRA BHAT
 HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA

For Parties: Mr. Tushar Mehta, SG,
 Mr. Anil Grover, Sr. AAG
 Mr. Alok Sangwan, Sr. AAG
 Ms. Rashi Bansal, AOR

Mr. Siddhartha Dave, Sr. Adv.
Mr. Keith Varghese, Adv.

Mr. Brijender Chahar, Sr. Adv.
Mrs. Jyoti Chahar, Adv.
Mr. Karan Chahar, Adv.
Ms. Pooja Chahar, Adv.
Mr. Shashi Bhushan, Adv.
Mr. Vinay Garg, AOR

Mr. Naman Joshi, Adv.
Mr. Guneet Sidhu, Adv.
Mr. Yuvraj Francis, Adv.
Ms. Manisha Ambwani, AOR

Mr. Ankit Vijaywargiya, Adv.
Mr. Aditya Verma, AOR

Mr. Prateek Rathee, Adv.
Mr. Sunny Choudhary, AOR

Mr. Piyush Singh, Adv.
Mr. Aditya Parolia, Adv.
Mr. Akshay Srivastava, Adv.
Mr. Rajesh Kumar, Adv.
Mr. Gaurav Goel, AOR
Mr. Nithin Chandaran, Adv.
Ms. Aditi Sinha, Adv.

Mr. Nandkarni, ASG
Mr. Parijat Kishore, AOR
Mr. Saurabh Tanwar, Adv.
Mr. Deepak Dhingra, Adv.
Mr. Nishant Rewalia, Adv.
Ms. Riya Sardana, Adv.

Mr. Anurag Ojha, Adv.
Mr. Karan Aggarwal, Adv.
Mrs. Shubhangi Tuli, AOR

Mr. Devashish Bharuka, AOR
Ms. Sarvshree, Adv.
Mr. Justimne George, Adv.

Ms. Shriya Chanda, Adv.
Mr. Kapil Choudhary, Adv.
Mr. Siddhant Buxy, AOR

Mr. M.L. Lahoty, Adv.
Mr. Paban K. Sharma, Adv.
Mr. Anchit Sripat, Adv.
Mr. Pranab Kumar Nayak, Adv.
Mr. Himanshu Shekhar, AOR

Mr. P.S. Patvalia Sr. Adv.
Mr. Nitin Bhardwaj, AOR

Mr. Sanjib Sen, Sr. Adv.
Ms. Anusha Magarajan, Adv.
Mrs. Pragya Baghel, AOR
Ms. Samten Doma, Adv.
Mr. Sourabh Tandon, Adv.

Mr. Ranjit Kumar Sr. Adv.
Mr. Siddharth Batra, AOR
Ms. Shivani Chawla, Adv.
Mr. Chinmay Dubey, Adv.

Mr. Gopal Shankaranayan, Sr. Adv.
Ms. Sonia Mathur, Sr. Adv.
Mr. Ankur Bansal, AOR

Mr. K.M. Nataraj, ASG
Mr. Amit Sharma (B), Adv.
Mr. Rajan Kr. Chourasia, Adv.
Mr. Sachin Sharma, Adv.
Mr. Ashok Panigrahi, Adv.
Mr. M.K. Maroria, AOR

Ms. Aishwarya Bhati, ASG
Mr. Zoheb Hussain, Adv.
Mr. Rajat Nair, Adv.
Ms. Ruchi Kohli, Adv.
Mr. Sughosh Subramaniam, Adv.
Mr. Raghav Sharma, Adv.
Ms. Ameyavikrama Thanvi, Adv.
Ms. Cleste Aggarwal, Adv.
Mr. B. Krishna Prasad, AOR

Mr. Anil Grover, Sr. AAG
Mr. Ajay Bansal, AAG
Ms. Noopur Singhal, Adv.
Mr. Rahul Khurana, Adv.
Mr. Satish Kumar, Adv.
Mr. Sanjay Kumar Visen, AOR
Mr. Gaurav Yadava, Adv.
Ms. Veena Bansal, Adv.
Mr. Navin Gupta, Adv.
Ms. Babita Mishra, Adv.
Mr. Suresh Kumar Bhan, Adv.

Mr. Pinaki Mishra, Sr. Adv.
Ms. Ruby Singh Ahuja, Adv.
Mr. Pravin Bahadur, Adv.
Ms. Kritika Sachdeva, Adv.
Mr. Lakshya Khanna, Adv.

Mr. Jappanpreet Hore, Adv.
M/S. Karanjawala & Co., AOR

Ms. Pinaki Mishra, Sr. Adv.
Mr. Randeep Roy, Sr. Adv.
Mr. Mahesh Agarwal, Adv.
Mr. Rishi Agrawala, Adv.
Mr. Ankur Saigal, Adv.
Mr. Himanshu Satija, Adv.
Ms. Ayushi Amod, Adv.
Mr. Kunal Dawar, Adv.
Mr. E. C. Agrawala, AOR

Mr. Pulkit Deora, Adv.
Mr. Udit Gupta, Adv.
Mr. Akshay Goel, Adv.
Ms. Mahima Dayani, Adv.
For Udit Kishan & Associates, AOR

Mr. Nikhil Nayyar, Sr. Adv.
Ms. Sugandha Batra, Adv.
Mr. Ramendra Mohan Patnaik, AOR

Mr. R.S. Rai, Sr. Adv.
Mr. Ayush Shrivastava, Adv.
Ms. Rubina Virmani, Adv.
Mr. Rituraj Singh, Adv.
Mr. Shivendra Singh, AOR

Ms. Kiran Suri, Sr. Adv.
Mr. Somesh Arora, Adv.
Mr. Aviral Kashyap, AOR
Ms. Gitanjali Tripathy, Adv.
Mr. Vimal Sinha, Adv.

Mr. Sanjiv Sen, Sr. Adv.
Ms. Gunjan Sinha Jain, Adv.
Mr. Ramkrishna Veerendra, Adv.
Mr. Chanchal Kumar Ganguli, AOR

Mr. Abhinav Agrawal, AOR
Mr. Rajiv K. Virmani, Adv.
Mr. Gaurav Jain, Adv.
Mr. Atul Malhotra, Adv.
Mr. Himanshu, Adv.
Mr. Sourav Jindal Adv.
Mr. Abhishekh Garg, Adv.
Mr. Akshay Goyal, Adv.

Mr. Shish Pal Laler, Adv.
Mr. Hitesh Kumar, Adv.
Mr. Atul Adv.
Mr. Vedant Pradhan, Adv.

Mr. Aayush, Adv.
Mr. Ravi Panwar, AOR

Mr. Siddharth Batra, AOR
Ms. Shivani Chawla, Adv.
Mr. Chinmay Dubey, Adv.

Mr. S. S. Jauhar, AOR
Ms. Swati Bhardwaj, Adv.

Mr. Amit Pawan, AOR
Mr. Vinay Garg, AOR
Mr. Avadh Bihari Kaushik, AOR
Mr. Ranbir Singh Yadav, AOR
Mr. Amarjeet Singh, AOR
Mr. Umesh Kumar Khaitan, AOR
Mrs. Shally Bhasin, AOR
Ms. Meenakshi Chauhan, AOR
Mr. Vikas Mehta, AOR
Ms. Ranjeeta Rohatgi, AOR
Mr. Rameshwar Prasad Goyal, AOR
Mr. Arvind Kumar Sharma, AOR

Part-I

1. M.A. NO.1046 OF 2019 IN C.A. No. 8788/2015 (F-1)

Mr. Brijender Chahar, learned Senior Advocate prays for and is granted liberty to withdraw the instant application.

M.A. is dismissed as withdrawn.

Part-II

2. M.A. No.2149 OF 2020 IN C.A. No. 8788/2015 (M-1 & M-2)

This application has been moved by Om Prakash and Naresh Kumar praying inter alia:

"B. Pass an order directing the CBI to enquire/investigate by strictly adhering to the directions of this Hon'ble Court in letter and spirit, especially with regard to identifying the concerned government officials involved in the Gurgaon land scam as also the 'middlemen' and bringing proper charges against them by way

of a supplementary charge-sheet in accordance with law, particularly in terms of paras 41 and 42.9 of the judgment of this Hon'ble Court in Rameshwar & Ors vs. State of Haryana & Ors. [(2018) 6 SCC 215];"

Mr. Devashish Bharuka, learned advocate appearing for the applicant prays and is granted liberty to withdraw the aforesaid prayer 'B'.

Reliance is placed on the communication dated 30.09.2020 (page 241-242 of M-1) which indicates that compensation in the sum of Rs.5,42,73,910/- crores per acre has been made over to certain Developers/Builders for acquisition of parcels of land for construction of road running through these lands.

Mr. Anil Grover, learned Senior AAG for State as well as HSIIDC submits that the money made over to the Builders/Developers was in the year 2016 i.e. before the decision of this Court in Rameshwar & Ors. vs. State of Haryana & Ors. It is further submitted that as a result of "deemed award" contemplated in terms of the directions issued by this Court, the State will be having clear title with respect to the entirety of the land through which the roads have passed. Consequently, Builders/Developers would not be entitled to the amount which was made over to them. It is further submitted that the said amount will be adjusted against the compensation to be made over to the Builders/Developers in terms of direction issued in paragraph 42.7 of the decision.

Part-III

I. M.A. Diary No.26552 of 2019 in C.A. No. 8788/2015 [DLF Home

Developers Ltd.(Vol.H-5).

These applications have been moved on behalf of the Residents Welfare Association of flat buyers in a project constructed by DLF Home Developers Ltd.

As per record, out of 15 Towers to be constructed by the developer, 14 Towers have already been constructed and have since then been occupied by the concerned flat buyers. The 15th tower is now ready for occupation but the occupation certificate is yet to be granted.

It further appears that certain community facilities and common areas were undertaken to be developed by the builder/developer in terms of agreement entered into with various flat purchasers. Amongst such facilities, the areas which are yet to be constructed are: - A club house, boundary wall, Internal roads, sewage treatment plan, a Nursery School, Community Centre and such other facilities.

Appearing for the builder/developer, Mr. Pinaki Mishra, learned Senior Advocate stated that a chart shall be placed on record within three days indicating the amounts required to be spent for erection/completion of these facilities. In order to facilitate the exercise, Mr. Mishra suggested that the officials of DLF Ltd. be allowed access to the colony to check the unfinished work. Let the access as prayed for be granted by HSIIDC. The entire exercise shall be completed and requisite charts shall be filed within three days from today.

Mr. Grover submits that certain town houses and independent floors which were part of the entire project are not yet constructed/finished. These details shall also be adverted to in the charts to be submitted.

Part-IV

It is submitted by Mr. Grover, that in a piece of land admeasuring about 24 acres which is part of "deemed award", cluster of houses have been erected and about 300 family are presently residing in those houses. Mr. Prateek Rathee, learned advocate appearing for appellant in Civil Appeal No.5490 of 2021 broadly put the occupants in following categories, namely:

(1) those who had purchased the plots of land from the then title-holders after 2010.

(2) Those who had exchanged their lands with the then title holders after 2010.

(3) Those who were put in possession of the lands on the strength of agreements of sale post 2010 but there are no conveyances in their favour.

(4) Those who are rank tress-passers.

We have also heard one Mr. Gajraj Singh, party-in-person who is Sarpanch of the village.

The details of the land in question have been furnished by way of a tabular chart in Volume marked A-26.

We call upon the State Authorities to give complete details

about those families and to inform the Court about the status and the rights of the occupants so that this issue can be considered and dealt with.

List on 28.04.2022 as first item on Board for conclusion of submissions and for placing requisite information.

(INDU MARWAH)
COURT MASTER (SH)

(VIRENDER SINGH)
BRANCH OFFICER