

ITEM NO.11

COURT NO.3

SECTION X

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

Writ Petition(s)(Civil) No(s). 188/2004

M/S. RAIGANJ CONSUMER FORUM

Petitioner(s)

VERSUS

UNION OF INDIA . &amp; ORS.

Respondent(s)

(IA No. 33106/2019 - APPLICATION FOR PERMISSION  
IA No. 112751/2020 - APPLICATION FOR PERMISSION  
IA No. 75467/2020 - APPROPRIATE ORDERS/DIRECTIONS  
IA No. 173810/2022 - APPROPRIATE ORDERS/DIRECTIONS  
IA No. 267222/2023 - APPROPRIATE ORDERS/DIRECTIONS  
IA No. 156597/2022 - APPROPRIATE ORDERS/DIRECTIONS  
IA No. 171258/2023 - APPROPRIATE ORDERS/DIRECTIONS  
IA No. 241765/2023 - APPROPRIATE ORDERS/DIRECTIONS  
IA No. 130757/2020 - APPROPRIATE ORDERS/DIRECTIONS  
IA No. 158058/2023 - APPROPRIATE ORDERS/DIRECTIONS  
IA No. 145179/2019 - APPROPRIATE ORDERS/DIRECTIONS  
IA No. 226492/2023 - APPROPRIATE ORDERS/DIRECTIONS  
IA No. 16546/2024 - APPROPRIATE ORDERS/DIRECTIONS  
IA No. 62733/2019 - APPROPRIATE ORDERS/DIRECTIONS  
IA No. 94012/2020 - APPROPRIATE ORDERS/DIRECTIONS  
IA No. 58091/2021 - APPROPRIATE ORDERS/DIRECTIONS  
IA No. 226482/2023 - APPROPRIATE ORDERS/DIRECTIONS  
IA No. 77100/2023 - APPROPRIATE ORDERS/DIRECTIONS  
IA No. 5215/2024 - APPROPRIATE ORDERS/DIRECTIONS  
IA No. 45905/2019 - CLARIFICATION/DIRECTION  
IA No. 132644/2021 - CLARIFICATION/DIRECTION  
IA No. 175920/2022 - CLARIFICATION/DIRECTION  
IA No. 202667/2023 - CLARIFICATION/DIRECTION  
IA No. 132638/2021 - CLARIFICATION/DIRECTION  
IA No. 110706/2021 - CLARIFICATION/DIRECTION  
IA No. 132630/2021 - CLARIFICATION/DIRECTION  
IA No. 211030/2023 - CLARIFICATION/DIRECTION  
IA No. 132614/2021 - CLARIFICATION/DIRECTION  
IA No. 86122/2021 - CLARIFICATION/DIRECTION  
IA No. 145178/2019 - CLARIFICATION/DIRECTION  
IA No. 77270/2021 - CLARIFICATION/DIRECTION  
IA No. 132665/2021 - CLARIFICATION/DIRECTION  
IA No. 202743/2023 - CLARIFICATION/DIRECTION  
IA No. 132657/2021 - CLARIFICATION/DIRECTION  
IA No. 42476/2020 - EXEMPTION FROM FILING O.T.  
IA No. 134874/2022 - EXEMPTION FROM FILING O.T.  
IA No. 202744/2023 - EXEMPTION FROM FILING O.T.  
IA No. 202669/2023 - EXEMPTION FROM FILING O.T.  
IA No. 32653/2021 - INTERVENTION APPLICATION  
IA No. 217431/2023 - INTERVENTION APPLICATION

IA No. 212823/2023 - INTERVENTION APPLICATION  
 IA No. 110701/2021 - INTERVENTION APPLICATION  
 IA No. 211021/2023 - INTERVENTION APPLICATION  
 IA No. 241755/2023 - INTERVENTION APPLICATION  
 IA No. 130756/2020 - INTERVENTION APPLICATION  
 IA No. 158056/2023 - INTERVENTION APPLICATION  
 IA No. 152877/2023 - INTERVENTION APPLICATION  
 IA No. 226487/2023 - INTERVENTION APPLICATION  
 IA No. 16535/2024 - INTERVENTION APPLICATION  
 IA No. 7058/2024 - INTERVENTION APPLICATION  
 IA No. 62731/2019 - INTERVENTION APPLICATION  
 IA No. 94002/2020 - INTERVENTION APPLICATION  
 IA No. 58090/2021 - INTERVENTION APPLICATION  
 IA No. 226475/2023 - INTERVENTION APPLICATION  
 IA No. 132570/2021 - INTERVENTION/IMPLEADMENT  
 IA No. 5211/2024 - INTERVENTION/IMPLEADMENT  
 IA No. 27236/2021 - INTERVENTION/IMPLEADMENT  
 IA No. 132550/2021 - INTERVENTION/IMPLEADMENT  
 IA No. 171259/2023 - INTERVENTION/IMPLEADMENT  
 IA No. 132597/2021 - INTERVENTION/IMPLEADMENT  
 IA No. 134873/2022 - INTERVENTION/IMPLEADMENT  
 IA No. 202756/2023 - INTERVENTION/IMPLEADMENT  
 IA No. 132594/2021 - INTERVENTION/IMPLEADMENT  
 IA No. 132582/2021 - INTERVENTION/IMPLEADMENT  
 IA No. 132577/2021 - INTERVENTION/IMPLEADMENT  
 IA No. 42473/2020 - PERMISSION TO FILE ADDITIONAL  
 DOCUMENTS/FACTS/ANNEXURES  
 IA No. 157541/2019 - PERMISSION TO FILE ADDITIONAL  
 DOCUMENTS/FACTS/ANNEXURES  
 IA No. 88654/2022 - PERMISSION TO FILE ADDITIONAL  
 DOCUMENTS/FACTS/ANNEXURES  
 IA No. 18325/2024 - RECALLING THE COURTS ORDER  
 IA No. 130807/2020 - WITHDRAWAL OF CASE / APPLICATION  
 IA No. 140519/2023 - WITHDRAWAL OF CASE / APPLICATION)

WITH

T.C.(C) No. 60/2003 (XIV-A)

T.C.(C) No. 66/2003 (XIV-A)

T.C.(C) No. 69/2003 (XIV-A)

T.C.(C) No. 70/2003 (XIV-A)

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T.C.(C) No. 8/2004 (XIV-A)  
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T.C.(C) No. 51/2005 (XIV-A)

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T.C.(C) No. 57/2005 (XIV-A)

T.C.(C) No. 59/2003 (XIV-A)

T.C.(C) No. 68/2003 (XIV-A)

T.C.(C) No. 2/2004 (XIV-A)  
(ONLY  
FOR MODIFICATION ON IA 127435/2023)

T.C.(C) No. 1/2004 (XIV-A)

T.C.(C) No. 24/2005 (XIV-A)

C.A. No. 3134-3137/2016 (IV)

T.C.(C) No. 34/2019 (IV)

T.C.(C) No. 35/2019 (IV)

T.C.(C) No. 36/2019 (IV)

T.C.(C) No. 37/2019 (IV)

T.C.(C) No. 38/2019 (IV)

CONMT.PET.(C) No. 701/2021 in T.C.(C) No. 2/2004 ( )  
(IA No. 35282/2021 - EXEMPTION FROM FILING O.T.)

CONMT.PET.(C) No. 942/2021 in T.C.(C) No. 2/2004 ( )  
(FOR ADMISSION)

Date : 28-02-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.R. GAVAI  
HON'BLE MR. JUSTICE SANDEEP MEHTA

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Mr. Gautam Barua, Adv.  
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Ms. Devina Bhandari, Adv.  
Mr. Shivam Sharma, Adv.

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Mr. Somnath Mukherjee, AOR

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Mr. Vikarsh Kumar, Adv.  
Mr. Nihar Dharmadikari, Adv.  
Mr. Sanyat Lodha, AOR

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Mr. Ashutosh Kumar Sharma, Adv.  
Mr. Jatinder Kumar Bhatia, AOR

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Mrs. Naresh Bakshi, AOR

Mr. Rana Ranjit Singh, AOR  
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Mr. Ravish Singh, Adv.  
Ms. Akanksha Singh, Adv.  
Mrs. Sweta Singh, Adv.  
Mr. Abhilash Tripathy, Adv.  
Mr. Abhijeet Kumar, Adv.  
Mr. Ashish Mohan, Adv.

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Mr. Pankaj Kumar Mishra, AOR  
Mr. Surya Kant, AOR  
Mr. Shubham Bhalla, AOR  
Mr. M. C. Dhingra, AOR  
Ms. Ranjeeta Rohatgi, AOR  
Mr. Sudhir Kumar Gupta, AOR

Ms. Chitra Markandaya, AOR  
Mr. B. K. Pal, AOR  
Mr. R. Gopalakrishnan, AOR  
Mr. Arun K. Sinha, AOR  
M/S. Ap & J Chambers, AOR  
Mr. Jatinder Kumar Bhatia, AOR  
Mr. A. P. Mohanty, AOR  
Mr. S. Ravi Shankar, AOR  
Mr. Chander Shekhar Ashri, AOR  
Mr. Ramesh Babu M. R., AOR  
Mr. Alok Gupta, AOR  
Ms. Sunita Sharma, AOR

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Mr. Deepanshu, Adv.  
Ms. Devina Bhandari, Adv.  
Mr. Shivam Sharma, Adv.

Mr. Rameshwar Prasad Goyal, AOR  
Mr. Shree Pal Singh, AOR

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Mr. Kartik Jasra, Adv.  
Mr. Shivam Nagpal, Adv.  
Mr. Pranit Stefano, Adv.  
Mr. Siddharth, AOR  
Mr. Anshul Saxena, Adv.

Mr. Ashwani Kumar, AOR  
Dr. Surender Singh Hooda, AOR  
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Mr. Mohit Yadav, Adv.

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Mr. Padmesh Mishra, Adv.

Mr. Prashant Singh Ii, Adv.  
Mr. Raghav Sharma, Adv.  
Mr. Rajeeva Ranjan Rajesh, Adv.

Mr. Shantwanu Singh, Adv.  
Mr. Akshay Singh, Adv.  
Ms. Pragya Singh, Adv.  
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Mr. Gautam Barua, Adv.  
Mr. Mohneesh Pratap Singh, Adv.

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Ms. Ruchi Arya, Adv.  
Mr. Anvesh O, Adv.  
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Ms. Malvika Raghavan, Adv.

Mrs. Tanuj Bagga Sharma, AOR  
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Mr. Denson Joseph, Adv.

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Mr. Kedar Nath Tripathy, AOR  
Mr. Mohit D. Ram, AOR  
Mr. Ajay Pal, AOR

Mr. Chand Qureshi, AOR  
Mr. Rama Kant Sharma, Adv.

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Mr. Vijay Kumar, Adv.  
Mr. Ramu Vutukuri, Adv.  
Mr. K.v.krishna Rao, Adv.  
Mr. Waseem Akhtar Khan, Adv.  
Mrs. Rakhi Banerjee, Adv.  
Dr. Chandra Rajan, Adv.

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Mr. Rajan Chawla, AOR  
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Mr. Rishi Kapoor, AOR  
Mr. Ashish Pandey, Adv.  
Mr. Azad Bansala, Adv.  
Mr. Sourav Ronsa, Adv.  
Mr. Dhruv Singh, Adv.

Mr. Jayant K. Sud, Sr. Adv.  
Ms. Ishita Farsaiya, Adv.  
Mr. Kartik Jasra, Adv.  
Mr. Shivam Nagpal, Adv.  
Mr. Pranit Stefano, Adv.  
Mr. Siddharth, AOR  
Mr. Anshul Saxena, Adv.

Mr. Rana Sandeep Bussa, Adv.  
Mr. Shashibhushan P. Adgaonkar, AOR  
Mr. Dharmendra Tripathi, Adv.  
Col Amit Kumar, Adv.

Mr. Amit Anand Tiwari, Sr. Adv.  
Mr. Arjun Garg, AOR  
Mr. Aakash Nandolia, Adv.  
Ms. Devyani Gupta, Adv.  
Ms. Sagun Srivastava, Adv.  
Ms. Nisha Pandey, Adv.

Mr. A.S.Nadkarni, Sr. Adv.  
Mr. Aman Vachher, Adv.  
Mr. Dhiraj, Adv.  
Mr. Ashutosh Dubey, Adv.  
Mrs. Anshu Vachher, Adv.  
Ms. Abhiti Vachher, Adv.  
Mr. Akshat Vachher, Adv.  
Mr. Prashan Jain, Adv.  
Mr. Amit Kumar, Adv.  
Mr. Balvinder Choudhary, Adv.  
Mr. P. N. Puri, AOR

Ms. Ranjeeta Rohatgi, AOR  
Mr. Devendra Singh, AOR  
Mr. Jagjit Singh Chhabra, AOR

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

IA No. 202667 of 2023 in W.P.(C) No. 188/2004

1. Vide order dated 24<sup>th</sup> January, 2024, we have observed that the decision of the Committee was neither discriminatory nor erroneous. We had also found that the distinction drawn between the applicant(s) case and the other case where the sale was confirmed was reasonable.
2. However, Mr. Amit Anand Tiwari, learned senior counsel, who had appeared for the applicant, had sought time to take instructions as to whether the applicant(s) in the said IAs are willing to pay the market rate for confirmation of sale in their favour.
3. Accordingly, an affidavit by Shri Yogesh S/o Late Shri Babulalji Mishra, Director of Mishra & Mishra Reality Pvt. Ltd. has been placed on record. He has stated in the affidavit that the guideline/circle rate for the land in question is at the rate of Rs. 30,40,000/- per hectare. It is further stated that the valuation of the land as per guideline/circle rates will be Rs.53,89,920/- .
4. The applicants have also undertaken valuation of the property and as per the valuation report, the market value is Rs.47,87,100/-

5. The affidavit also states that when the matter was last heard, the Court had observed that the market value should be twice the guideline/circle rate.

6. In the affidavit, it is stated that an amount of Rs.1,07,79,840/- is arrived at after the guideline/circle rate is doubled.

7. Since the applicant(s) are willing to pay the market rate which is calculated is doubling the guideline/circle rate, we are inclined to allow the application. The committee is directed to confirm the sale in respect of the land in question in favour of the applicant(s), upon their paying an amount of Rs.1,07,79,840/-.

IA No. 202743 of 2023 in W.P.(C) No. 188/2004

1. Vide order dated 24<sup>th</sup> January, 2024, we have observed that the decision of the Committee was neither discriminatory nor erroneous. We had also found that the distinction drawn between the applicant(s) cases and the other case where the sale was confirmed was reasonable.

2. However, Mr. Amit Anand Tiwari, learned senior counsel, who had appeared for the applicant(s), had sought time to take instructions as to whether the applicant(s) in the said I.As are willing to pay the market rate for confirmation of sale in their favour.

3. Accordingly, an affidavit by Shri Kailash Agarwal S/o

Shri Surajmalji Agrawal has been placed on record. He has stated in the affidavit that the guideline/circle rate for the land in question is at the rate of Rs. 30,40,000/- per hectare. It is further stated that the valuation of the land as per guideline/circle rates will be Rs.50,03,840/-.

4. The applicants have also undertaken valuation of the property and as per the valuation report, the market value is Rs.51,02,600/-

5. The affidavit also states that when the matter was last heard, the Court had observed that the market value should be twice the guideline/circle rate.

6. In the affidavit, it is stated that an amount of Rs.1,00,07,680/- is arrived at after the guideline/circle rate is doubled.

7. Since the applicant(s) are willing to pay the market rate which is calculated by doubling the guideline/circle rate, we are inclined to allow the application. The committee is directed to confirm the sale in respect of the land in question in favour of the applicant(s), upon their paying an amount of Rs.1,00,07,680/-.

Rest of the application(s)/matter(s)

List tomorrow, i.e. 29.02.2024.

(DEEPAK SINGH)  
COURT MASTER (SH)

(ANJU KAPOOR)  
COURT MASTER (NSH)