

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

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

M/S. RAIGANJ CONSUMER FORUM

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

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)
- T.C.(C) No. 71/2003 (XIV-A)
- T.C.(C) No. 72/2003 (XIV-A)
- T.C.(C) No. 73/2003 (XIV-A)
- T.C.(C) No. 74/2003 (XIV-A)
- T.C.(C) No. 75/2003 (XIV-A)
- T.C.(C) No. 76/2003 (XIV-A)
- T.C.(C) No. 77/2003 (XIV-A)
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- T.C.(C) No. 79/2003 (XIV-A)
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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
IA No. 127435/2023 - MODIFICATION)

T.C.(C) No. 1/2004 (XIV-A)
T.C.(C) No. 19/2005 (XIV-A)
T.C.(C) No. 24/2005 (XIV-A)
T.C.(C) No. 23/2005 (XIV-A)
T.C.(C) No. 58/2005 (XIV-A)
T.C.(C) No. 57/2005 (XIV-A)
C.A. No. 3134-3137/2016 (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)
T.C.(C) No. 34/2019 (IV)

CONMT.PET.(C) No. 701/2021 in T.C.(C) No. 2/2004 ()
(FOR ADMISSION and IA No.35282/2021-EXEMPTION FROM FILING O.T.
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 : 24-01-2024 These petitions were called on for hearing today.

**CORAM : HON'BLE MR. JUSTICE B.R. GAVAI
HON'BLE MR. JUSTICE SANJAY KAROL
HON'BLE MR. JUSTICE SANDEEP MEHTA**

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Mr. Gurmeet Singh, Adv.
Mr. Viraj Kadam, Adv.**

**Mr. Ranjan Mukherjee, AOR
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**Mr. Deepanshu, Adv.
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Ms. Akanksha Singh, Adv.
Mrs. Sweta Singh, Adv.
Mr. Abhilash Tripathy, Adv.
Mr. Avijeet Kumar, Adv.**

**Mr. Shubham Bhalla, AOR
Mr. Surya Kant, AOR
Ms. Ranjeeta Rohatgi, AOR
Mr. M. C. Dhingra, AOR
Mr. Sudhir Kumar Gupta, AOR
Ms. Chitra Markandaya, AOR
Mr. R. Gopalakrishnan, AOR
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Ms. Iti Sharma, Adv.
Mr. Anshay Dhatwalia, Adv.

Mr. Shree Pal Singh, AOR

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Mr. Kartik Jasra, Adv.
Mr. Pranit Stefano, Adv.
Mr. Shivam Nagpal, Adv.
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Ms. Harshita Nigam, Adv.
Mr. Saurabh Sharma, Adv.
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Mrs. Rajeshri Nivuratirao Reddy, Adv.
Mr. Abhijit Sengupta, AOR
Mr. Anand, Adv.
Mr. Akhilesh Kumar Tiwari, Adv.
Mr. Rohit Jaiswal, Adv.

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Ms. Swarupma Chaturvedi, Adv.
Mr. Padmesh Mishra, Adv.

Mr. Prashant Singh Ii, Adv.
Mr. Raghav Sharma, Adv.
Mr. R R Rajesh, Adv.

Ms. Pragya Singh, Adv.
Mr. Shantwanu Singh, Adv.
Mr. Rahul Dubey, Adv.
Mr. Sunny Singh, Adv.
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Mr. Mohit Yadav, Adv.

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Mr. Inderjeet Singh Maini, Adv.

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Mr. Shivam Nagpal, Adv.

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Mr. Anshul Saxena, Adv.

Mr. V. Giri, Sr. Adv.

Mr. Ravi Raghunath, Adv.

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Mr. Nihar Dharmadhikari, Adv.

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Mr. Ashutosh Dubey, Adv.

Mrs. Anshul Vachher, Adv.

Ms. Abhiti Vachher, Adv.

Mr. Akshat Vachher, Adv.

Mr. Prashant Jain, Adv.

Mr. Jyotisman Kar, Adv.

Mr. Amit Kumar, Adv.
Mr. P. N. Puri, AOR

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Mr. Devendra Singh, AOR
Mr. Vivek Mishra, Adv.
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Mr. Ajay Nain, Adv.
Mr. Anmol Harna, Adv.
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Mr. Vijay Kumar Singh, Adv.

Mr. Jatinder Kumar Sethi, D.A.G.
Mr. Ashutosh Kumar Sharma, Adv.

Mr. R. Anand Padmanabhan, Sr. Adv.
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Mr. Anvesh, Adv.
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Mr. Ajay Bansal, Adv.
Mr. Gaurav Yadava, Adv.
Ms. Veena B., Adv.
Mr. Sourav Jindal, Adv.

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

I.A. NO.127435/2023

1. Learned counsel appearing for the applicant in the present I.A. submits that though vide order dated 25.04.2023, this Court had allowed both I.A. No.204428/2022 and I.A. No.56711/2022 but in

the said order only the relief sought in the prayer in I.A. No. 204428/2022 was recorded. He submits that inadvertently the prayer in I.A. No.56711/2022 was not mentioned in the said order.

2. The position is not disputed by Ms. Suruchi Aggarwal, learned senior counsel for the Committee. She submits that taking into consideration the fact that hundreds of flat owners were residing in the property, the Committee recommended to approve the confirmation of sale in favour of the applicant-Advantage Equifund Pvt. Ltd.

3. It is not in dispute that the case of the present applicant(s) is identical with the case of the party in whose favour the Committee had passed an order, approval for which was sought in I.A. No. 204428 of 2022. It further appears that the word "in" after "I.A. No. 204428 of 2022" was erroneously recorded and it should instead have been recorded as "and".

4. It is to be noted that both the aforesaid applications were filed by the Committee, however inadvertently reference of I.A. No. 56711/2022 was not recorded in the said order dated 25.04.2023, under the caption "I.A. No.204428 of 2022 in I.A. No.56711 of 2022 in T.C.(C) No.2 of 2024".

5. Therefore, the word "in" appearing in the caption "I.A. No.204428 of 2022 in I.A. No.56711 of 2022 in T.C.(C) No.2 of 2024" be read as "and" and the said caption and the order passed in the captioned applications be read as under:-

"I.A. No.204428 of 2022 and I.A. No.56711 of 2022 in T.C.(C) No.2 of 2024"

1. By way of these applications, the applicants seek the following prayer:-

In I.A. No.204428/2022

"a. The order dated 15.09.2022 and 15.11.2022 passed by this Committee (Annexure A-6 and A7) may please be confirmed."

In I.A. No.56711 of 2022

"a. The order dated 07.03.2022 passed by this Committee (Annexure A-8) may please be confirmed."

2. These applications are allowed in terms of prayer clauses (a) in the respective applications, which are quoted above."

6. The application is, accordingly, disposed of.

I.A. NOS.202667/2023 AND 202743/2023

1. Shri Amit Anand Tiwari, learned senior counsel appearing on behalf of the applicant(s) submits that the applicant(s) in the above applications are similarly circumstanced with the applicant(s), in whose favour the Committee had passed an order and confirmation of which by way of I.A. No. 204428/2022 was filed. He submits that at the request of the Committee, the said I.A. has been allowed.

2. He further submits that the conduct of the Committee is discriminatory, inasmuch as the land which is the subject matter of I.A. No. 204428/2022 is similarly circumstanced with the land which has been purchased by the applicant(s). He further submits that the said land is a part and parcel of the same piece of land, out of which a part was sold to the party in I.A. No. 204428/2022.

3. Ms. Suruchi Aggarwal, learned senior counsel appearing for the Committee, submits that the Committee had decided to confirm the sale on the payment of circle rate in case of applicant(s) in I.A. No.204428/2022, since it was found that a school was constructed on the land in question and that education was being imparted to the students residing in the nearby areas. However, insofar as the present applicant(s) is/are concerned, it was found that the land was a barren land and not developed and therefore, the Committee did not recommend confirmation of the same.

4. Prima facie, we do not find that the decision of the Committee is either discriminatory or erroneous. The distinction drawn

between the two cases is reasonable.

5. However, Shri Tiwari seeks two weeks' 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.

6. List on 28.02.2024 at 2.00 p.m.

REST OF THE MATTERS

1. Shri Venugopal, learned senior counsel and Shri V. Giri, learned senior counsel appearing on behalf of certain private parties submit that the valuation submitted by the Income Tax Department does not show the correct valuation of the properties owned by the Golden Forests (India) Ltd. It is submitted that in the State of Telangana approximately 788 acres is not included in the assessment report.

2. Shri Aman Vachher, learned counsel appearing on behalf of one of the parties, stated that about 100 acres of land in the city of Gurugram is also not found in the assessment made by the Income Tax Department.

3. Shri Jayant K. Sud, learned senior counsel appearing for the legal heirs of the original promoter(s), also submits that, according to his knowledge vast stretches of land at Mohali in the State of Punjab is also not included in the assessment report.

4. Shri Jayant K. Sud, further submits that vast stretches of land at Kot Dilla district Panchkula, Punjab are being used for illegal mining by the encroachers and the Committee is not taking any steps for protection of the said land and is as a result permitting illegal mining.

5. We direct all the concerned parties to file their respective affidavit giving details therein about the properties which, according to them, have not been included in the valuation report of the Income Tax Department, within two weeks.

6. The parties shall also file their respective affidavits giving details about their submission within two weeks.

7. The Committee shall submit its response upon the same within two weeks thereafter. The Committee shall also point out as to how much balance amount is required to be paid to the investors.

8. Issue notice in I.A. No.152877/2023 - application for Intervention.

9. Insofar as the auction is concerned, since there is a dispute with regard to the valuation of the property in question, we will consider passing an order after all the details are available before this Court.

10. However, prima facie, it appears that there are three contenders i.e. the Hawk Capital Pvt. Ltd., M/s. Ramky Truspace Homes Pvt. Ltd., and M/s. Raamsai Infra, who are willing to participate in the auction for purchase of the properties throughout India, as recorded in the order dated 24.01.2023

11. List all the matters on 28.02.2024 at 2.00 p.m.

(NARENDRA PRASAD)
ASTT. REGISTRAR-cum-PS

(POONAM VAID)
COURT MASTER (NSH)