

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

I.A.NO.3 OF 2016 IN

CIVIL APPEAL NO.5016 OF 2016

MANTRI TECHZONE PVT. LTD.

Appellant(s)

VERSUS

FORWARD FOUNDATION & ORS.

Respondent(s)

O R D E R

We had while issuing notice to the respondents directed the competent authority to take over possession an extent of 3 acres 10 guntas of land referred to in the impugned order passed by the Tribunal. We had also directed the competent authority to remove/demolish any construction put up on the said extent of land. We had further directed that since the appellant company had not resumed its construction activity the parties shall maintain status quo on the spot. The operation of the impugned order insofar as it directed award of a monetary compensation of Rs.117.35 crores was however stayed until further orders.

Mr. Gopal Subramaniam learned senior counsel appearing for the appellant company submits on instructions, that the company has without prejudice to its contention in this appeal decided to comply with the direction issued by the Tribunal other than those regarding payment of compensation. He submits that the Tribunal

had directed the company to obtain a fresh environmental clearance certificate and to maintain the 75 meter distances as buffer zone and to remove the debris from the construction site. He submits that the company is willing to comply with all the terms and conditions imposed by the environmental clearance granted on 17.2.2012. He draws our attention to an affidavit filed in I.A.No.3 to the above effect. He submits that this Court could modify order dated 12.5.2016 and permit the petitioner company to resume construction activities on the basis of the undertaking so furnished.

Dr. Singhvi learned senior counsel appearing for respondent No.1 submits that although the appellant company offers to comply with the conditions stipulated by the Tribunal before this Court but the submission made by the learned counsel does not match the documents filed on record. He urged that this Court could leave the matter to the Tribunal to examine whether the conditions stipulated by it in its order are satisfied/complied with in which event the company can be permitted to resume constructions if the Tribunal records such a finding.

We find merit in the submission of Dr. Singhvi. We do not consider it appropriate for us to go into the question whether the company has or has not complied with the conditions stipulated by the Tribunal. In our opinion, the question whether there is sufficient compliance with the directions or not can be left to be

examined with the Tribunal. It is for the Tribunal to also look into and verify the relevant facts by appointing a local commissioner if considered necessary. All that we need say is that if the petitioner company wishes to resume the construction and the condition on which such resumption has been permitted in terms of its previous orders are satisfied by the company, our order dated 12.5.2016 directing the parties to maintain status-quo shall not be treated as an impediment for such resumption.

With these observations, I.A.NO.3/2016 is disposed of.

The recovery of the compensation awarded by the Tribunal shall, however, remain stayed.

.....CJI
(T.S. THAKUR)

.....J.
(SHIVA KIRTI SINGH)

New Delhi,
November 11, 2016

ITEM NO.11

COURT NO.1

SECTION XVII

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

I.A.No. 3/2016 in Civil Appeal No(s). 5016/2016

MANTRI TECHZONE PVT. LTD.

Appellant(s)

VERSUS

FORWARD FOUNDATION & ORS.

Respondent(s)

(for further direction and office report)

Date : 11/11/2016 This application was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE SHIVA KIRTI SINGH

For Appellant(s) Mr. Gopal Subramaniam, Sr.Adv.
 Mr. R. Venkataramani, Sr.Adv.
 Mr. Shekhar G. Devasa, Adv.
 Mr. K.V. Bhuvendra, Adv.
 Mr. Manish Tiwari, Adv.for
 M/s. Devasa & Co.

For Respondent(s) Mr. S.K. Kulkarni, Adv.
 Mr. M. Gireesh Kumar, Adv.
 Mr. Ankur S. Kulkarni, Adv.

Mr. Anup Jain, Adv.

Mr. Devashish Bharuka, Adv.

Dr. A.M. Singhvi, Sr.Adv.
Mr. Mahesh Aggarwal, Adv.
Mr. Rishabh Parikh, Adv.
Mr. E. C. Agrawala, Adv.

Mr. Shyam Divan, Sr.Adv.
Mr. Saransh Jain, Adv.
Mr. Pravleen Sehrawat, Adv.
Mr. Naresh Kumar, Adv.
Mr. O. P. Bhadani, Adv.

Ms. Kiran Suri, Sr.Adv.
Mr. S.J. Amith, Adv.

Dr. (Mrs. Vipin Gupta, Adv ,

UPON hearing the counsel the Court made the following

O R D E R

I.A.NO.3/2016 is disposed of in terms of the signed order.

The recovery of the compensation awarded by the Tribunal shall, however, remain stayed.

(USHA BHARDWAJ)
AR-CUM-PS

(TAPAN KUMAR CHAKRABORTY)
COURT MASTER

Signed order is placed on the file.