

Listed On 08.11.2023

Court No. 5

Item No. 116

SECTION XIV
IN THE SUPREME COURT OF INDIA
EXTRA-ORDINARY APPELLATE JURISDICTION
SPECIAL LEAVE PETITION (CIVIL) Diary No. 17623 OF 2021
WITH PRAYER FOR INTERIM RELIEF

WITH

IA No. 108529/2021

(CONDONATION OF DELAY IN FILING)

WITH

IA No. 108530/2021

(EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

AND

BATCH MATTERS

GOVERNMENT OF NCT OF DELHI AND ANOTHER ETC. ...PETITIONER(S)

VERSUS

M/S BSK REALTORS LLP AND ANOTHER ETC. ETC. ...RESPONDENT(S)

REVISED COMMON OFFICE REPORT

This Hon'ble Court, on 21st July, 2022, was pleased to pass the following order:

“We have heard learned counsel for the parties.

Mr. Chandra Bhushan Prasad, learned counsel appearing in Diary No(s). 24447/2021 submits that he would be appearing for the heirs and legal representatives of respondent No.1.

Mr. Atul Kumar, learned counsel appearing for the petitioners in Diary No(s). 22391/2021 to take steps to bring on record the heirs and legal representatives of deceased respondent.

Preliminary issue regarding maintainability of special leave petition(s) filed by the State Government or Delhi Development Authority (for short, “Authority”), as the case may be, is raised in light of decision of Co-ordinate Bench rejecting or allowing the concerned proceedings against the same judgment impugned in the respective special leave petition(s) or civil appeal(s).

According to the land-losers, rejection of challenge to the declaration of lapsing at the instance of Authority or State, would dis-entitle the other (i.e., Authority or State) to maintain successive petition against the same judgment; and especially where in the earlier round leave to appeal was granted by this Court and the appeal had been disposed of after hearing all concerned. In other words, the doctrine of merger is being invoked to buttress this preliminary objection.

On the other hand, Ms. Aishwarya Bhati, learned Additional Solicitor General is relying on the observations/dictum of the Constitution Bench of this Court in *Indore Development Authority vs. Manoharlal & Ors. reported in (2020) 8 SCC 129* to contend that the effect of the declaration or conclusion recorded therein is to efface all the orders passed in the concerned special leave petition or civil appeal following the decision in *Pune Municipal Corporation & Anr. Harakchand Misirmal Solanki & Ors. reported in 2014 (3) SCC 183* — which has been expressly overruled and as noted in paragraph 365 of the reported decision. (Indore Development Authority).

It is urged that the effect of such overruling is to efface all the orders, including passed by this Court relying on Pune Municipal Corporation (Supra).

It is further urged that such overruling had rendered those decisions nullity and cannot be given effect to in particular the direction to restore possession of the acquired land to the original landowners.

We need not dilate on other contentions raised before us.

Suffice it to observe that these matters require deeper examination, for which the same need to be placed before the three Judge Bench for hearing on 17.08.2022.

It will be open to the parties to get other connected matters involving aforesaid issue by pointing out this order to the Registry, which request may be considered by the Registrar (Judl.) for tagging of those cases along with these matters.

In the meantime, the parties are at liberty to file affidavits/additional documents.”

It is submitted that pursuant to Hon’ble Court’s order quoted above, approval of the Ld. Registrar (Judicial) and subsequent orders of the Hon’ble Court, following matters have been tagged with SLP (C) Diary No.17623/2021. The service position of each matter is as under:-

ITEM NO.	Case Number	Number of Respondents	Service Position	Remarks (Documents filed by parties)
116	SLP (C) Diary No.17623/2021	2	Service is complete.	R1& R2: Vakalatnama/Appearance (V/A) and Counter Affidavit (C/A) filed.
116.1	SLP(C) Diary no. 32072/2022	3	Complete	V/N & C/A filed for R-1 & 2. V/N filed for R-3. Mr. Tarun Jauhari, Advocate has on 24.04.2023 e-filed an application for impleadment (registered as I.A. no. 84492/2023) along with application for direction (I.A. Diary no. 84495/2023) and copies of the

				applications have been placed with SLP paper books.
116.2	SLP(C) D. No. 18130/2021	4	Service is complete.	Vakalatnama and counter affidavit filed for Respondent Nos. 1 and 4. Respondent Nos. 2 and 3 served through affidavit of dasti service.
116.3	SLP (C) Diary No. 19132/2021	5	Complete	V/A & C/A filed on behalf of R-1 to 4 and 5
116.4	SLP (C) Diary No.10132/2022	3	Service is complete.	R1: Represented through Mr. TVS Raghavendra Sreyas, Advocate, and has filed Counter Affidavit. R2: Served with notice, but no appearance so far. R3: Represented through Ms. Malvika Kapila, Advocate, but has not filed Counter Affidavit so far.
116.5	SLP (C) Diary No.15707/2022	3	Service is complete.	R1: Represented through Mr. Rajendra Prasad Saxena, Advocate and has filed Counter Affidavit. R2: Served with notice, but no appearance so far. R3: Represented through Ms. Malvika Kapila, Advocate, but has not filed Counter Affidavit so far.
116.6	SLP (C) Diary No.15710/2022	4	Service is complete.	R1: Represented through Mr. Varun Kapur, Advocate and has filed Counter Affidavit. R2: Served with notice, but no appearance so far. R3 & R4: Represented through Mr. Arvind Kumar Sharma and Ms. Manika Tripathy, Advocates respectively, but they have not filed Counter Affidavit so far.
116.7	SLP (C) No.19012/2022	2	Service is complete.	R1 & R2: Represented through Mr. Prithvi Pal and Ms. Malvika Kapila, Advocates and they have filed Reply/Counter Affidavit on their behalf.
116.8	SLP (C) Diary No.25834/2022	3	Complete	V/A & C/A filed for R-1. V/A filed for R-3 but C/A not filed. No appearance for R-2 though served.
116.9	SLP(C) Diary no. 32629/2022	19	Complete	V/N has been filed for R-18 & 19. R-1 to 17- No appearance though

				served. R-1 to 17 are common in SLP(C) Diary no. 3812/2022 and Mr. Ranjit Kumar Sharma, Advocate has filed V/N on behalf of R-1,2,4 to 6,8 to 15 in SLP(C) Diary no. 3812/2022.
116.15	M.A. No. 346/2023	4	Not complete on R-1 & 3	R-2 & 4- No appearance though served. R-1 & 3- Unserved cover has been received with postal remarks 'left' & 'refused' respectively. Mr. Rahul Gupta, Applicant in person has on 06.09.2023 filed an application for intervention (I.A. No. 182675/2023) along with an application for appear and argue in person (I.A. No. 182679/2023) and the same has been placed with M.A. Paper books. It is further submitted that applicant-in-person has on 13.04.2023 filed an application for impleadment but the same was defective and applicant has filed a letter for withdrawal of the same (placed at page nos. 86-89 of application for intervention), hence, the same is not being circulated herewith.
116.18	SLP(C) No. 30127/2015	3	Service is complete	V/A & C/A by all 3 respondents
116.19	SLP(C)No. 11394/2016	2	Service is not complete upon R-2	V/A & C/A by R-1
116.20	SLP(C) No. 7215/2017	3	Service is complete	V/A & C/A by R-1, V/A by R-2 & 3 but not C/A
116.22	Diary No. 9628-2021	19	Service is not complete upon R-1.1 to 1.3, 1.6, 2.2 to 2.5	V/A & C/A by R-3 to 18, V/A by R-19 but not C/A.. Application for impleadment of applicant as respondent (I.A. No. 109203/2023) by Mr. Tarun Johri, Adv.
116.23	SLP (C) Diary No.22127/2021	3	Complete	V/A & C/A filed for R-3. V/A filed for R-1 but C/A not filed. No appearance for R-2 though served.

116.24	SLP(C) Diary No. 28216/2021	11	Complete	V/A & C/a – R-1 to 9 & 11. R-10 – No Appearance.
116.25	SLP(C) Diary No. 29469/2021	2	Complete	V/A & C/A – R 2 R-1- No appearance.
116.26	SLP(C) Diary No. 3566/2022	3	Complete	R.No.1- Vakalatnama and Counter Affidavit filed R.No 2 and 3- Vakalatnama filed , Counter affidavit not filed
116.27	SLP (C) Diary No.3812/2022	18	Service is complete.	V/N – R 1,2, 4-6, 8-15, 18 C/A - R 18 R17: Served with notice, but no one has entered appearance so far. LR3.1 to LR3.4, LR7.1 to LR7.6 and LR16.1 & LR16.2: Served with notice, but no appearance on their behalf so far.
116.28	SLP (C) Diary No.8414/2022	3	Service is complete.	R1: Represented through Mr. M.C. Dhingra, Advocate and has filed Counter Affidavit. R2: Served with notice, but no appearance so far. R3: Represented through Mr. Ashwani Kumar, Advocate, but has not filed Counter Affidavit so far.
116.29	SLP (C) Diary No.8556/2022	3	Service is complete.	R1: Represented through Mr. Vikash Gupta, Advocate and has filed Counter Affidavit. R2: Served with notice, but no appearance so far. R3: Represented through Ms. Sunieta Ojha, Advocate, but has not filed Counter Affidavit so far.
116.30	SLP (C) Diary No.10221/2022	3	Service is complete.	R1: Represented through Mr. Manish Paliwal, Advocate and has filed Counter Affidavit. R2: Served with notice, but no appearance so far. R3: Represented through Mr. Nitin Mishra, Advocate, but has not filed Counter Affidavit so far.
116.31	SLP (C) Diary	3	Complete	V/A & C/A filed for R-1. V/A filed

	No.10222/2022			for R-3 but C/A not filed. No appearance for R-2 though served.
116.32	SLP (C) Diary No.10474/2022	18	Service is not complete on proposed LRs of deceased R1 & R6.	R2, R3, R5, R8, R10 & R14: Represented through Mr. Vishwa Pal Singh, Advocate and has filed Counter Affidavit. R1 & R6: Expired as per Counter Affidavit filed by Mr. Vishwa Pal Singh, Advocate. R4, R7, R9, R11, R12, R13, R15, R16 & R17: Served with notice, but no appearance so far. R18: Represented through Ms. Malvika Kapila, Advocate, but has not filed Counter Affidavit so far.
116.33	SLP (C) Diary No.10475/2022	27	Service is complete.	R1, R3, R4, R5 & R8: Represented through Ms. Sunita Sharma, Advocate, but has not filed Counter Affidavit so far. R2, R6, R7, R9 to R26: Served with notice, but no appearance so far. R27: Represented through Ms. Manika Tripathy, Advocate, but has not filed Counter Affidavit so far.
116.34	SLP (C) Diary No.15577/2022	9	Complete	V/A & C/A filed for R-1 to 7. V/A filed for R-9 but C/A not filed. No appearance for R-8 though served.
116.35	SLP (C) Diary No.15940/2022	8	Service is not complete on proposed LRs of deceased R3.	R1, R2, R4 & R5: Represented through Mr. Vishwa Pal Singh, Advocate and has filed Counter Affidavit. R3: Reported to be dead. R5 & R6: Served with notice, but no appearance so far. R8: Represented through Ms. Sunieta Ojha, Advocate, but has not filed Counter Affidavit so far.
116.36	SLP (C) Diary No.16176/2022	5	Service is complete.	R1: Served with notice, but no appearance so far. R2 to R4: Represented through Mr. TVS Raghavendra Sreyas, Advocate and has filed Counter Affidavit. R5: Represented through Mr. Ashwani Kumar, Advocate, but has not filed Counter Affidavit so far.

116.37	SLP (C) Diary No.20229/2022	13	Service is not complete on R4.	R1, R2, R3, R5, R7 to R11: Served with notice, but no appearance so far. R4: Unserved R6: Represented through Ms. Mukul Kumar, Advocate, but has not filed Counter Affidavit so far. R12 & R13: Represented through Mr. Atul Kumar, Advocate, but has not filed Counter Affidavit so far.
116.38	SLP (C) Diary No.20555/2022	3	Service is complete.	R1: Represented through Mr. Rabin Majumder, Advocate and has filed Counter Affidavit & Reply to Application for condonation of delay. R2 & R3: Represented through Ms. Astha Tyagi, Advocate, but has not filed Counter Affidavit so far.
116.39	SLP(C) Diary No. 21746/2022	3		Fresh Matter.
116.40	SLP(C) Diary No. 27994/2022	4	Complete	V/A & C/A – R-1 & 2 V/A – R-4 R-3- No Appearance.
116.41	SLP (C) Diary No.33077/2022	19	Complete	V/A & C/A filed for R-3 to 18 but R/A not filed. No appearance for R-1, 2 and 19 though served.
116.48	SLP(C) 28847/2015	3	Service is complete.	Counter affidavit filed by Respondent No. 1. Respondent No. 2 served through duly signed A.D. Card but no appearance. Reply affidavit has been filed by counsel for Respondent No. 3.
116.49	SLP(C) 26525/2015	2	Service is complete.	Counter affidavit filed by Respondent No. 1. Counter affidavit not filed by counsel for Respondent No. 2.
116.50	SLP (C) No. 17207/2017	6	Complete	V/N & C/A filed for R-1 and R-6. No appearance on behalf of R-2 to 5.
116.51	SLP (C) No. 592-593/2020	3	Service is complete.	V/N – R 2 & 3 No C/A No one has entered appearance on behalf of Respondent 1
116.53	D.No. 6981/2021	6	Not Complete on R.No. 1 (dead)	LR No. 1.1 to 1.3- Vakalatnama and Counter Affidavit filed though application for substitution is pending

				R.No. 2 to 6- Vakalatnama as well as Counter Affidavit filed
116.54	SLP (C) Diary No. 22388/2021	6	Service is complete.	V/N – R 1-5, 6 C/A - R 1-5
116.55	D.No. 22391/2021	8	Not complete on R.No. 6	R.No.1: Vakalatnama filed but respondent name does not match R.No.2 to 5: Vakalatnam filed, Counter Affidavit filed, Reply to application for condonation of delay filed R.No.7: Vakalatnama as well as counter affidavit filed R.No.6: No appearance though served with notice
116.56	SLP (C) Diary No.23612/2021	2	Service is complete.	V/N – R 1 & 2 C/A - R 1 & 2
116.57	SLP (C) Diary No.24447/2021	10	Complete	V/A for R-1A to 1D, 2 to 9 and 10. C/A for R-1 & 2 filed. Reply Affidavit for R-1, 2 to 9.
116.58	SLP(C) Diary No. 28971/2021	3	Complete.	V/A & C/A – R-1 & 3 R- 2- No Appearance. It is submitted that pursuant to aforesaid order counsel for the parties has not filed any additional documents so far.
116.59	D.No. 2404/2022	3	Not complete on R.No. 3	R.Nos 1 and 2- Vakalatnama as well as counter affidavit filed R.No. 3 – No appearance though served with notice
116.60	SLP(C) Diary No. 4937/2022	11	Not complete in r/o Res Nos. 1 to 7, 9 & 10.	It is submitted that pursuant to aforesaid order counsel for the parties has not filed any additional documents so far. It is further submitted that Mr. Ashwani Kumar, Advocate has on 11.10.2022 filed c/a on behalf of respondent no.11 and copy of the same has been placed with SLP Paper Books. Counsel appearing for respondent no.8 (caveat) has not filed C/A so far. Counsel for the petitioner has not filed spare copies

				hence S/C/N could not be issued to respondent no.1 to 7 & 9 to 10 so far.
116.61	D.No. 10090/2022	6	Not complete on R.No.1 and 4	R.No.2: Vakalatnama filed ,Counter affidavit not filed R.No.3: Vakalatnama as well as counter affidavit and I.A. No.230003 of 2023 for permission to file additional documents filed. R.No.5 and 6: Vakalatnama filed, counter affidavit not filed. R.No.1 and 4: No appearance though served with notice
116.62	SLP (C) Diary No.15722/2022	4	Complete	V/A filed for R-1 and 4 but C/A not filed. No appearance for R-2 and 3 though served
116.63	SLP (C) Diary No.18142/2022	6	Service is not complete on R1 to R5.	R1 to R5: Unserved. R6: Represented through Ms. Manika Tripathy, Advocate, but has not filed Counter Affidavit so far.
116.64	SLP (C) Diary No.18366/2022	4	Service is complete.	R1: Represented through Mr. Mohit Kumar Gupta, Advocate, but has not filed Counter Affidavit so far. R2: Served with notice, but no appearance so far. R3 & R4: Represented through Ms. Sujeeta Srivastava, Advocate, but has not filed Counter Affidavit so far.
116.65	SLP (C) Diary No.18873/2022	2	Service is complete.	R1: Represented through Mr. Jagjit singh Chhabra, Advocate and has filed Counter Affidavit & Reply to Application for condonation of delay. R2: Represented through Ms. Manika Tripathy, Advocate, but has not filed Counter Affidavit so far.
116.66	SLP (C) Diary No.19142/2022	2	Service is complete.	R1: Served with notice, but no appearance so far. R2: Represented through Mr. Nitin Mishra, Advocate, but has not filed Counter Affidavit so far.
116.67	SLP (C) Diary No.19685/2022	2	Service is not complete on R1.	R1: Unserved. R2: Represented through Mr. Nitin Mishra, Advocate, but has not filed Counter Affidavit so far.

116.68	SLP (C) Diary No.19687/2022	3	Service is complete.	R1 & R2: Served with notice, but no appearance so far. R3: Represented through Mr. Nitin Mishra, Advocate, but has not filed Counter Affidavit so far.
116.69	SLP (C) Diary No.19689/2022	3	Service is complete.	R1: Represented through Mr. Mohit Kumar Gupta, Advocate, but has not filed Counter Affidavit so far. R2: Served with notice, but no appearance so far. R3: Represented through Ms. Manika Tripathy, Advocate, but has not filed Counter Affidavit so far.
116.70	SLP (C) Diary No.19691/2022	2	Service is complete.	R1 & R2: Represented through Ms. Kiran Ahlawat & Mr. Ravi Bharuka, Advocates respectively, but have not filed Counter Affidavit so far.
116.71	SLP (C) Diary No.19693/2022	7	Service is not complete on R1 to R6.	R1 to R6: Unserved. R7: Represented through Ms. Manika Tripathy, Advocate, but has not filed Counter Affidavit so far.
116.72	SLP (C) Diary No.19694/2022	7	Service is complete.	R1: Expired as per letter dated 03.11.2023 of Counsel for the R4 & R5 addressed to Counsel for the Petitioners. R2 to R3 & R6: Served with notice, but no appearance so far. R4 & R5: Represented through Mr. Bankey Bihari, Advocate, but has not filed Counter Affidavit so far. R7: Represented through Mr. Nitin Mishra, Advocate, but has not filed Counter Affidavit so far.
116.73	SLP (C) Diary No.19697/2022	7	Service is complete.	R1 to R5: Represented through Mr. Manish Paliwal, Advocate, but has not filed Counter Affidavit so far. R6: Served with notice, but no appearance so far. R7: Represented through Mr. Nishit Agrawal, Advocate (now Ms. Sunieta Ojha, Advocate) and he has filed Reply Affidavit.
116.74	SLP (C) Diary No.19724/2022	3	Service is not	R1: Unserved. R2 & R3: Served with notice, but no

			complete on R1.	appearance so far.
116.75	SLP (C) Diary No.20104/2022	7	Service is complete.	R1 to R5: Served with notice, but no appearance so far. R6 & R7: Represented through Ms. Prachi Bajpai, but has not filed Counter Affidavit so far.
116.76	SLP (C) Diary No.20203/2022	8	Service is complete.	R1 to R7: Served with notice, but no appearance so far. R8: Represented through Mr. Krishan Kumar, but has not filed Counter Affidavit so far.
116.77	SLP (C) Diary No.20255/2022	4	Service is complete.	R1: Represented through Ms. Smita Mann, Advocate and has filed Counter Affidavit and Reply to IA for condonation of delay. R2 & R3: Represented through Ms. Astha Tyagi, Advocate, but has not filed Counter Affidavit so far. R4: Represented through Ms. Jyoti Mendiratta, Advocate, but has not filed Counter Affidavit so far.
116.78	SLP (C) Diary No.20260/2022	4	Service is not complete on R1.	R1: Unserved. R2 & R3: Represented through Ms. Astha Tyagi, Advocate, but has not filed Counter Affidavit so far. R4: Represented through Ms. Jyoti Mendiratta, Advocate, but has not filed Counter Affidavit so far.
116.79	SLP (C) Diary No.21620/2022	5	Service is complete.	R1 & R2: Represented through Mr. Mehmood Umar Faruqui & Mr. Arvind Kumar Sharma, Advocates respectively, but have not filed Counter Affidavit so far. R3 & R4: Represented through Ms. Sujeeta Srivastava, Advocate, but has not filed Counter Affidavit so far. R5: Served with notice, but no appearance so far.

The matters alongwith applications above-mentioned are listed before the Hon'ble Court with this Office Report.

Dated : November 07, 2023

ASSISTANT REGISTRAR

Copy to :-

1. Ms. Sujeeta Srivastava, Advocate
2. Ms. Manika Tripathy, Advocate
3. Ms. Malvika Kapila, Advocate
4. Ms. Sunieta Ojha, Advocate
5. Ms. Astha Tyagi, Advocate
6. Mr. Ashwani Kumar, Advocate
7. Mr. Nitin Mishra, Advocate
8. Mr. Mukul Kumar, Advocate
9. Mr. Atul Kumar, Advocate
10. Mr. Chitranshul Sinha, Advocate
11. Ms. Smita Mann, Advocate
12. Mr. Vishwa Pal Singh, Advocate
13. Mr. Manish Paliwal, Advocate
14. Ms. Rooh-e-hina Dua, Advocate
15. Mr. Siddharth Batra, Advocate
16. Mr. Aman Mohit Hingorani, Advocate
17. Ms. Prachi Bajpai, Advocate

ASSISTANT REGISTRAR