

ITEM NO.301+302 Court 3 (Video Conferencing)

SECTION IV-B

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

Petition(s) for Special Leave to Appeal (C) No(s). 7220-7221/2017

(Arising out of impugned final judgment and order dated 29-04-2016 in CWP No. 19148/2010 29-04-2016 in COCP No. 1135/2012 passed by the High Court Of Punjab & Haryana At Chandigarh)

MUNICIPAL CORPORATION FARIDABAD

Petitioner(s)

VERSUS

KHORI GAON RESIDENTS WELFARE ASSOCIATION  
(REGD.) THR ITS PRESIDENT & ORS.

Respondent(s)

(TO BE TAKEN UP AT 3.30 p.m. on 14.9.2021.)

IA No. 94719/2021 - APPROPRIATE ORDERS/DIRECTIONS  
 IA No. 57354/2017 - APPROPRIATE ORDERS/DIRECTIONS  
 IA No. 91157/2021 - APPROPRIATE ORDERS/DIRECTIONS  
 IA No. 110223/2021 - APPROPRIATE ORDERS/DIRECTIONS  
 IA No. 109330/2021 - CLARIFICATION/DIRECTION  
 IA No. 89574/2020 - CLARIFICATION/DIRECTION  
 IA No. 112023/2021 - CLARIFICATION/DIRECTION  
 IA No. 101169/2021 - CLARIFICATION/DIRECTION  
 IA No. 94720/2021 - EXEMPTION FROM FILING AFFIDAVIT  
 IA No. 103155/2021 - EXEMPTION FROM FILING AFFIDAVIT  
 IA No. 48851/2021 - EXEMPTION FROM FILING AFFIDAVIT  
 IA No. 109331/2021 - EXEMPTION FROM FILING O.T.  
 IA No. 48850/2021 - EXEMPTION FROM FILING O.T.  
 IA No. 94717/2021 - INTERVENTION APPLICATION  
 IA No. 112022/2021 - INTERVENTION APPLICATION  
 IA No. 90923/2021 - INTERVENTION APPLICATION  
 IA No. 101159/2021 - INTERVENTION APPLICATION  
 IA No. 110209/2021 - INTERVENTION APPLICATION  
 IA No. 91893/2020 - INTERVENTION/IMPLEADMENT  
 IA No. 109328/2021 - INTERVENTION/IMPLEADMENT  
 IA No. 89573/2020 - INTERVENTION/IMPLEADMENT  
 IA No. 48843/2021 - PERMISSION TO FILE ADDITIONAL  
 DOCUMENTS/FACTS/ANNEXURES  
 IA No. 94724/2021 - PERMISSION TO FILE ADDITIONAL  
 DOCUMENTS/FACTS/ANNEXURES  
 IA No. 103153/2021 - PERMISSION TO FILE ADDITIONAL  
 DOCUMENTS/FACTS/ANNEXURES  
 IA No. 110714/2021 - PERMISSION TO FILE ADDITIONAL  
 DOCUMENTS/FACTS/ANNEXURES  
 IA No. 101155/2021 - PERMISSION TO FILE ADDITIONAL  
 DOCUMENTS/FACTS/ANNEXURES)

WITH

C.A. No. 8454/2014 (XVII)

( FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA 192694/2019

IA No. 192694/2019 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

C.A. No. 10294/2013 (XVII)

(FOR

FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA 148663/2018

FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA 125428/2019

FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA 136483/2019

FOR impleading party ON IA 155772/2019

FOR INTERVENTION/IMPLEADMENT ON IA 155772/2019

FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 155775/2019

FOR impleading party ON IA 155781/2019

FOR INTERVENTION/IMPLEADMENT ON IA 155781/2019

FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 155784/2019

FOR impleading party ON IA 2082/2021

FOR INTERVENTION/IMPLEADMENT ON IA 2082/2021

FOR CLARIFICATION/DIRECTION ON IA 2091/2021

FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA 105838/2021

IA No. 155775/2019 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 155784/2019 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 2091/2021 - CLARIFICATION/DIRECTION

IA No. 155772/2019 - INTERVENTION/IMPLEADMENT

IA No. 2082/2021 - INTERVENTION/IMPLEADMENT

IA No. 155781/2019 - INTERVENTION/IMPLEADMENT

IA No. 136483/2019 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

IA No. 125428/2019 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

IA No. 105838/2021 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

IA No. 148663/2018 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

C.A. No. 8173/2016 (XVII)

(FOR STAY APPLICATION ON IA 1/2016

FOR [APP FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS] ON IA 2/2016

FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA 138590/2019, FOR EXEMPTION FROM FILING O.T. ON IA 138593/2019

FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA 97595/2020, FOR EXEMPTION FROM FILING O.T. ON IA 97596/2020

IA No. 2/2016 - APP FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS

IA No. 93369/2021 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 138593/2019 - EXEMPTION FROM FILING O.T.

IA No. 97596/2020 - EXEMPTION FROM FILING O.T.

IA No. 97595/2020 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

IA No. 138590/2019 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

IA No. 1/2016 - STAY APPLICATION)  
 C.A. No. 11000/2013 (XVII)  
 ( FOR STAY APPLICATION ON IA 3/2014  
 FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA  
 196807/2019  
 IA No. 196807/2019 - PERMISSION TO FILE ADDITIONAL  
 DOCUMENTS/FACTS/ANNEXURES  
 IA No. 3/2014 - STAY APPLICATION)  
 W.P. (C) No. 592/2021 (PIL-W)  
 (FOR  
 FOR EXEMPTION FROM FILING AFFIDAVIT ON IA 64532/2021  
 FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA  
 65543/2021  
 FOR EXEMPTION FROM FILING AFFIDAVIT ON IA 65544/2021  
 FOR MODIFICATION ON IA 71098/2021  
 FOR EXEMPTION FROM FILING AFFIDAVIT ON IA 71100/2021  
 FOR INTERVENTION APPLICATION ON IA 82565/2021  
 FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 82566/2021  
 FOR EXEMPTION FROM FILING AFFIDAVIT ON IA 84526/2021  
 FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA  
 91182/2021  
 FOR EXEMPTION FROM FILING AFFIDAVIT ON IA 91186/2021  
 FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA  
 92160/2021  
 FOR EXEMPTION FROM FILING AFFIDAVIT ON IA 92163/2021  
 FOR AMENDMENT OF THE PETITION ON IA 92847/2021  
 FOR EXEMPTION FROM FILING AFFIDAVIT ON IA 92851/2021  
 FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA  
 103148/2021  
 FOR EXEMPTION FROM FILING AFFIDAVIT ON IA 103150/2021  
 FOR EXEMPTION FROM FILING AFFIDAVIT ON IA 106530/2021  
 FOR APPLICATION FOR EXEMPTION FROM FILING TYPED DOCUMENTS ON IA  
 106531/2021  
 IA No. 92847/2021 - AMENDMENT OF THE PETITION  
 IA No. 106531/2021 - APPLICATION FOR EXEMPTION FROM FILING TYPED  
 DOCUMENTS  
 IA No. 82566/2021 - APPROPRIATE ORDERS/DIRECTIONS  
 IA No. 71100/2021 - EXEMPTION FROM FILING AFFIDAVIT  
 IA No. 92163/2021 - EXEMPTION FROM FILING AFFIDAVIT  
 IA No. 65544/2021 - EXEMPTION FROM FILING AFFIDAVIT  
 IA No. 91186/2021 - EXEMPTION FROM FILING AFFIDAVIT  
 IA No. 64532/2021 - EXEMPTION FROM FILING AFFIDAVIT  
 IA No. 106530/2021 - EXEMPTION FROM FILING AFFIDAVIT  
 IA No. 84526/2021 - EXEMPTION FROM FILING AFFIDAVIT  
 IA No. 103150/2021 - EXEMPTION FROM FILING AFFIDAVIT  
 IA No. 92851/2021 - EXEMPTION FROM FILING AFFIDAVIT  
 IA No. 82565/2021 - INTERVENTION APPLICATION  
 IA No. 71098/2021 - MODIFICATION  
 IA No. 92160/2021 - PERMISSION TO FILE ADDITIONAL  
 DOCUMENTS/FACTS/ANNEXURES  
 IA No. 65543/2021 - PERMISSION TO FILE ADDITIONAL  
 DOCUMENTS/FACTS/ANNEXURES  
 IA No. 91182/2021 - PERMISSION TO FILE ADDITIONAL

## DOCUMENTS/FACTS/ANNEXURES

IA No. 103148/2021 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

W.P. (C) No. 657/2021 (PIL-W)

(FOR EXEMPTION FROM FILING AFFIDAVIT ON IA 68638/2021  
IA No. 68638/2021 - EXEMPTION FROM FILING AFFIDAVIT)

W.P. (C) No. 759/2021 (PIL-W)

(FOR

FOR EXEMPTION FROM FILING AFFIDAVIT ON IA 79663/2021

FOR APPLICATION FOR PERMISSION ON IA 82248/2021

FOR EXEMPTION FROM FILING AFFIDAVIT ON IA 82250/2021

FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA 82271/2021

FOR EXEMPTION FROM FILING AFFIDAVIT ON IA 82274/2021

IA No. 82248/2021 - APPLICATION FOR PERMISSION

IA No. 82274/2021 - EXEMPTION FROM FILING AFFIDAVIT

IA No. 82250/2021 - EXEMPTION FROM FILING AFFIDAVIT

IA No. 79663/2021 - EXEMPTION FROM FILING AFFIDAVIT

IA No. 82271/2021 - PERMISSION TO FILE ADDITIONAL

DOCUMENTS/FACTS/ANNEXURES)

W.P. (C) No. 788/2021 (X)

(FOR

FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 84840/2021

FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA 84845/2021

FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA 92554/2021

FOR EXEMPTION FROM FILING O.T. ON IA 92555/2021

FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 105404/2021

FOR EXEMPTION FROM FILING O.T. ON IA 105406/2021

FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA 105412/2021

IA No. 105404/2021 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 84840/2021 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 92555/2021 - EXEMPTION FROM FILING O.T.

IA No. 105406/2021 - EXEMPTION FROM FILING O.T.

IA No. 92554/2021 - PERMISSION TO FILE ADDITIONAL

DOCUMENTS/FACTS/ANNEXURES

IA No. 84845/2021 - PERMISSION TO FILE ADDITIONAL

DOCUMENTS/FACTS/ANNEXURES

IA No. 105412/2021 - PERMISSION TO FILE ADDITIONAL

DOCUMENTS/FACTS/ANNEXURES)

W.P. (C) No(s). 1023/2021

(FOR ADMISSION and IA No.114426/2021-GRANT OF INTERIM RELIEF and IA No.114427/2021-EXEMPTION FROM FILING O.T....[TO BE TAKEN UP ALONG WITH ITEM NO. 301 I.E. SLP(C) No.7220-7221/2017] )

Date : 14-09-2021 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR

HON'BLE MR. JUSTICE DINESH MAHESHWARI

For parties :

Mr. Tushar Mehta, SG  
Mr. Arun Bhardwaj, Sr. Adv.  
Ms. Ruchi Kohli, AAG  
Mr. B.K. Satija, AAG  
Ms. Srishti Mishra, Adv.  
Dr. Monika Gusain, AOR

Mr. Arun Bhardwaj, Sr. Adv. (AAG)  
Mr. Samar Vijay Singh, AAG  
Mr. Gauraan, Adv.  
Mr. Abhishek Sharma, Adv.  
Mr. Nikhil Bhardwaj, Adv.  
Mr. Piyush Gaur, Adv.  
Mr. Rahul Kumar Sharma, Adv.  
Mr. Vishwa Pal Singh, AOR  
Ms. Nandita Jha, Adv.  
Mr. Y. P. Singh, Adv.

Mr. Neeraj Kishan Kaul, Sr. Adv.  
Mr. Dhruv Sharma, Adv.  
Mr. Bhavya Sethi, Adv.  
Mr. Manoranjan Paikray, Adv.  
Mr. Tejaswi Kumar Pradhan, AOR  
Ms. Ranjeeta Rohatgi, AOR

Mr. Jayant Bhushan, Sr. Adv.  
Mr. Ankit Swarup, AOR  
Mr. Arunesh Grover, Adv.  
Mr. Syed M. Ahmed, Adv.  
Mr. Vijay Raj Singh Chouhan, Adv.

Mr. Sanjay Parikh, Sr. Adv.  
Ms. Srishti Agnihotri, AOR  
Ms. Tripti Poddar, Adv.  
Mr. Satwik Parikh, Adv.  
Ms. Sanjana Grace Thomas, Adv.

Mr. Mohit Paul, AOR  
Mr. Kamal Gupta, Adv.  
Ms. Sunaina Phul, Adv.

Ms. Amiy Shukla, AOR

Mr. Satya Mitra, AOR

Mr. Vishwa Pal Singh, AOR

Mr. Vedant Singh, AOR  
Mr. Vinay Kumar Dubey, Adv.  
Mr. Vivek Dubey, Adv.  
Ms. Prajakta, Adv.  
Mr. Vishisht Singh, Adv.  
Mr. Prateek Tiwari, Adv.

Mr. Kedar Nath Tripathy, AOR

Mr. Tushar Mehta, SG  
Mr. Anil Grover, Sr. AAG  
Mr. B.K. Satija, AAG  
Mr. Rahul Khurana, Adv.  
Mr. Satish Kumar, Adv.  
Mr. Sanjay Kumar Visen, AOR  
Mr. Amit Sahni Adv.

Mr. Sibho Sankar Mishra, AOR

Ms. Aishwarya Bhati, ASG  
Mr. Gurmeet Singh Makker, AOR  
Mr. S. K. Singhanian, Adv.  
Mr. Sumit Teterwal, Adv.  
Mr. Vanshdeep Dalmia, Adv.  
Mr. Chinmayee Chandra, Adv.  
Mr. Suchakshu Jain, Adv.

Ms. Manjeet Kirpal, AOR

Mr. Mathews J. Nedumpara, Adv.  
Ms. Manju Jetley, AOR

Mr. Arijit Parsad, Sr. Adv.  
Mr. Vikas Verma, Adv.  
Ms. Sapna Verma, Adv.  
Mr. Shafik Ahmed, Adv.  
Mr. Durgesh Gupta, Adv.  
Mr. Vinod Kumar Goyal, Adv.  
Ms. Apsana Khatoon, Adv.  
Mr. V. Elanchezhian, AOR

Mr. ANS Nadkarni, Sr. Adv.  
Mr. Mohit D. Ram, AOR

Mr. Rajat Joseph, AOR

Mr. Smarhar Singh, AOR  
Ms. Shweta Kumari, Adv.  
Mr. Digvijay Chaprana, Adv.

Mr. Ram Ekbal Roy, Adv.  
Mr. Birendra Pd. Singh, Adv.  
Ms. Priyanka Das, Adv.

Mr. Jawaharlal, Adv.  
Ms. Neha Das, Adv.  
Mr. Binay Kumar Das, AOR

Mr. Colin Gonslaves, Sr. Adv.  
Ms. Anupradha Singh, Adv.  
Mr. Haider Ali, Adv.  
Mr. Satya Mitra, AOR

Mr. Jayant Kr. Sud, Sr. ASG  
Ms. Vimla Sinha, Adv.  
Mr. Kamendra Mishra, Adv.  
Mr. Vikas Bansal, Adv.  
Mr. Amrish Kumar, Adv.

Mr. Smarhar Singh, AOR  
Ms. Shweta Kumari, Adv.  
Mr. Nitin Nayak, Adv.

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

Heard learned counsel for the parties.

As suggested on the earlier occasion, the Faridabad Municipal Corporation (for short, 'the Corporation') has, in principle, agreed to roll out the provisional allotment independent of the scheme enlisted in the affidavit regarding allotment of premises/houses in lieu of rehabilitation of eligible applicant(s).

The Corporation upon receipt of applications duly accompanied by relevant documents *prima facie* establishing eligibility for rehabilitation may issue provisional allotment letter to such applicant(s) preferably within one week from the receipt of

application after due scrutiny. That provisional allotment letter shall indicate that the allotment is only temporary and subject to final verification of the application and the accompanying documents including the final draw of lots after scrutiny of applications of all the eligible aspirants.

The applicant(s) and his family member(s) shall submit an undertaking in writing to the Corporation that as and when called upon to vacate the premises in the event of failing to finally establish the eligibility criteria during the scrutiny or the remedy of appeal against such decision as the case may be, shall do so within two weeks from the date of receipt of communication to vacate.

In the event, the applicants are found to be eligible after due scrutiny, final allotment letter be issued to the concerned eligible applicant after which he/she may occupy the premises referred to in the final allotment letter within six weeks therefrom in reference to the rehabilitation scheme propounded by the Corporation.

Needless to observe that on taking possession of provisional/temporary accommodation, the rent/solatum of Rs. 2,000/- per month offered to the concerned



applicant(s) shall stand discontinued on case-to-case basis.

Learned counsel for the Corporation has assured that after the provisional allotment, the allottee can occupy the accommodation referred to in the provisional allotment letter and if any repair or maintenance to make it habitable is required, the same shall be carried out by the Corporation, preferably within 10 days from the intimation given by the applicant to the concerned official of the Corporation, to be so notified by the Corporation.

While carrying out such maintenance/repair work, all care and caution must be taken by the Corporation and its officials regarding safety of the occupants in the premises.

Mr. Sanjay Parikh, learned senior counsel, on instructions, pointed out that his clients had faced some difficulties in accessing e-portal of the Corporation for submitting applications/documents.

Mr. Arun Bhardwaj, learned senior counsel for the Corporation submitted that there may be temporary glitches in the e-portal, but all care will be taken to set right the technical issues faced during the operation

of e-portal.

In addition, he submits that the concerned applicant(s) is free to give hard copy of the applications/documents to the Nodal Officer, to be notified by the Corporation in that regard, which notification be displayed on e-portal as also other prominent places in the nearby area.

As regards the proposed schedule, some apprehension is expressed by the learned counsel appearing for the affected persons. According to them, 15.10.2021 would be short period for complying with the necessary formalities while submitting the application for allotment of premises in terms of the rehabilitation scheme.

It is open to the Corporation to shift the cut-off date to 15.11.2021 as requested by the learned counsel for the concerned persons. Correspondingly, the other dates of the schedule be realigned except the final date for handing over possession of the premises as per the draw of lots.

In respect of challenge to the relevant part of the rehabilitation scheme and other issues, we will consider that on Monday, i.e., 20.09.2021 at 2:00 p.m.

Mr. ANS Nadkarni, learned senior counsel has pointed

out that Writ Petition(C) No. 1031 of 2021 has been filed in this Court which involves overlapping issue. Registry may list the said writ petition along with these matters on Monday, i.e., 20.09.2021 at 2:00 p.m.

(DEEPAK SINGH)  
COURT MASTER (SH)

(VIDYA NEGI)  
COURT MASTER (NSH)