HIGH COURT OF DELHI : NEW DELHI
(Establishment-II Branch)

No. 5428/SLP/DHC/2018

Dated : 07.03.2018

As directed, a copy of order dated 22.02.2018 passed by the Hon'ble Supreme Court of India passed in Special Leave to Appeal © No. 5552/2018 (arising out of CC No. 8453/2017) titled "State of Haryana and Ors. Vs. M/s G. D. Goenka Tourism Corporation Limited and Anr" is circulated for information of Hon'ble the Acting Chief Justice and Hon'ble Judges.

Sd/-
(DINESH KUMAR SHARMA)
REGISTRAR GENERAL,

1. HON'BLE THE ACTING CHIEF JUSTICE.
2. HON'BLE MR. JUSTICE S. RAVINDRA BHAT
3. HON'BLE MR. JUSTICE SANJIV KHANNA
4. HON'BLE MR. JUSTICE G. S. SISTANI
5. HON'BLE DR. JUSTICE S. MURALIDHAR
6. HON'BLE MS. JUSTICE HIMA KOHLI
7. HON'BLE MR. JUSTICE VIPIN SANGHI
8. HON'BLE MR. JUSTICE SIDDHARTH MRIDUL
9. HON'BLE MR. JUSTICE MANMOHAN
10. HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW
11. HON'BLE MR. JUSTICE J.R. MIDHA
12. HON'BLE MR. JUSTICE RAJIV SHAKDHER
13. HON'BLE MR. JUSTICE SUNIL GAUR
14. HON'BLE MR. JUSTICE VALMIKI J. MEHTA
15. HON'BLE MS. JUSTICE INDERMEET KAUR
16. HON'BLE MR. JUSTICE A. K. PATHAK
17. HON'BLE MS. JUSTICE MUKTA GUPTA
18. HON'BLE MS. JUSTICE PRATIBHA RANI
19. HON'BLE MR. JUSTICE S.P. GARG
20. HON'BLE MR. JUSTICE JAYANT NATH
21. HON'BLE MR. JUSTICE NAJMI WAZIRI
22. HON'BLE MR. JUSTICE SANJEEV SACHDEVA
23. HON'BLE MR. JUSTICE VIBHU BAKHRU
24. HON'BLE MR. JUSTICE V. KAMESWAR RAO
25. HON'BLE MS. JUSTICE DEEPA SHARMA
26. HON'BLE MR. JUSTICE PARKASH SINGH TEJI
27. HON'BLE MR. JUSTICE I.S. MEHTA
28. HON'BLE MR. JUSTICE R.K. GAUBA
29. HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL
30. HON'BLE MR. JUSTICE A.K. CHAWLA

31. HON'BLE MR. JUSTICE VINOD GOEL
32. HON'BLE MR. JUSTICE CHANDER SHEKHAR
33. HON'BLE MS. JUSTICE ANU MALHOTRA
34. HON'BLE MR. JUSTICE YOGESH KHANNA
35. HON'BLE MS. JUSTICE REKHA PALLI
36. HON'BLE MS. JUSTICE PRATHIBA M. SINGH
37. HON'BLE MR. JUSTICE NAVIN CHAWLA
38. HON'BLE MR. JUSTICE C. HARI SHANKAR

COPY FORWARDED FOR INFORMATION AND NECESSARY ACTION TO:-

1. JOINT DIRECTOR (IT) with request to upload the same on the internet site and website of this Court.

Ravindra Maithani
Secretary General
Supreme Court of India

Tel.: 23384661
Fax: 23386178
E-mail: sg.rmaithani@sci.nic.in

February 22, 2018

Dear Shri Sharma,

Special Leave to Appeal (C) No. 5552 of 2018 (arising out of CC No. 8453/2017) titled "State of Haryana and Ors. Vs. M/s G.D. Goenka Tourism Corporation Limited and Anr." was listed before the Hon'ble Supreme Court on 21.2.2018 when the Hon'ble Court has been pleased to pass, inter alia, the following order:

> "Taking all this into consideration, we are of the opinion that it would be appropriate if in the interim and pending a final decision on making a reference (if at all) to a larger Bench, the High Courts be requested not to deal with any cases relating to the interpretation of or concerning Section 24 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. The Secretary General will urgently communicate this order to the Registrar General of every High Court so that our request is complied with."

A copy of the complete order is enclosed for your reference and further necessary action.

With regards,

Yours sincerely,

(Ravindra Maithani)

Encl.: As above

Shri Dinesh Kumar Sharma,
Registrar General
High Court of Delhi,
NEW DELHI – 110 003.

DR/Filing/Listing
DR/Filing

ITEM NO.8+9+16 COURT NO.4 SECTION IV-B

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

Petition(s) for Special Leave to Appeal (C).....CC 8453/2017

(Arising out of impugned final judgment and order dated 29-06-2016 in CWP No. 12720/2016 passed by the High Court of Punjab & Haryana at Chandigarh)

STATE OF HARYANA AND ORS. Petitioner(s)

VERSUS

M/S G.D. GOENKA TOURISM CORPORATION LIMITED AND ANR. Respondent(s)

(WITH APPLN.(S) FOR CONDONATION OF DELAY IN FILING ON IA 1/2017 AND FOR CONDONATION OF DELAY IN REFILING ON IA 2/2017)

WITH
SLP(C) D 2054/2017 (IV-B)
(WITH APPLN.(S) FOR CONDONATION OF DELAY IN FILING ON IA 86888/2017 AND FOR CONDONATION OF DELAY IN REFILING ON IA 86889/2017)

CONMT. PET(C) NO.699/2018 IN C.A. NO.6235/2017

CONMT. PET(C) NO.1846/2017 IN C.A. NO.8529/2016

Date : 21-02-2018 These matters were called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE KURIAN JOSEPH
HON'BLE MR. JUSTICE DEEPAK GUPTA

For Petitioner(s) Mr. P.S. Patwalia, Sr. Adv.
Mr. Arun Bhardwaj, AAG Haryana
Mr. B.K. Satija, AAG
Mr. Ronak Karanpuria, Adv.
Mr. Ashish Pandey, Adv.
Ms. Gauraan Bhardwaj, Adv.
Mr. Shrutanjaya Bhardwaj, Adv.
Mr. Vishwa Pal Singh, AOR
Mr. Archit Upadhyay, Adv.

Shaju Francis, Adv.
Mr. Brijesh Kumar, Adv.

Dr. Rajeev Sharma, Adv.

Mr. Deepak Anand, AOR

For Respondent(s) Mr. Mukul Rohatgi, Sr. Adv.
Mr. Huzefa Ahmadi, Sr. Adv.
Mr. C.U. Singh, Sr. Adv.
Mr. Ninad Laud, Adv.
Mr. Yashraj Deora, Adv.
Mr. Jayant Mohan, Adv.
Mr. Anjuman Tripathy, Adv.
Mr. Ivo D'Costa, Adv.

Mr. Ashwani Kumar, AOR
Mr. Ravinder Nain, Adv.
Mr. Jay Kumar Bhardwaj, Adv.

Mr. Mayank Kshirsagar, Adv.

UPON hearing the counsel the Court made the following

O R D E R

Special Leave to Appeal (C).....CC 8453/2017 has been filed by the State of Haryana challenging the judgment and order dated 29th June, 2016 passed by the High Court of Punjab and Haryana in M/s. G.D. Goenka Tourism Corporation Limited & Anr. V. State of Haryana and Others.

There are some other similar matters that are listed today on the same subject, that is, with regard to acquisition of the land of the respondents.

It is submitted by learned counsel for the State of Haryana that the matter is covered by the recent decision of a Bench of 3 learned Judges of this Court in the case of Indore Development Authority Vs. Shailendra (Dead) Through Lrs. And Ors. [(2018) 2 SCALE 1].

During the course of the submissions made by learned counsel for the State of Haryana, some learned senior counsel were present in Court and they requested to be

heard in the matter since they had been engaged in some similar matters. They submitted that the decision in Indore Development Authority had unsettled a long standing statement of law and had very serious repercussions on land acquisition cases.

Acceding to their request, we heard some learned senior counsel led by Mr. Mukul Rohatgi, Sr. Adv. and we also heard learned counsel for the State of Haryana.

Mr. P.S. Patwalia, learned senior counsel who has been engaged to represent the State of Haryana expressed his personal difficulty in appearing in Court today and tomorrow. However, he did appear for a short while and requested that the matter may be taken up on some other day.

Acceding to his request, we list the matter on 7th March, 2018 as part-heard matter.

It was submitted by Mr. Mukul Rohatgi, learned senior counsel and by other learned senior counsel that when a Bench of 3 learned Judges does not agree with the decision rendered by another Bench of 3 learned Judges, the appropriate course of action would be to refer the matter to a larger Bench. He submitted that one of the learned Judges in Indore Development Authority (supra) has expressed that view.

It was also submitted by Mr. Rohatgi that a Bench of 3 learned Judges cannot hold another decision rendered by a Bench of 3 learned Judges as *per incuriam*. He referred

to some decisions but we need not go into them at the present moment.

Hearing is not concluded on the issue whether the matter should at all be referred to a larger Bench or not. However, we were informed by Mr. Rohatgi that some cases have already been decided on the basis of the judgment rendered in the case of Indore Development Authority (supra), without the matter being referred to a larger Bench.

We have also been informed by learned counsel appearing on both the sides that some similar matters are listed tomorrow as well and it is possible that in the next couple of days similar matters may be listed before various High Courts.

Taking all this into consideration, we are of the opinion that it would be appropriate if in the interim and pending a final decision on making a reference (if at all) to a larger Bench, the High Courts be requested not to deal with any cases relating to the interpretation of or concerning Section 24 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. The Secretary General will urgently communicate this order to the Registrar General of every High Court so that our request is complied with.

Insofar as cases pending in this Court are concerned, we request the concerned Benches dealing with similar

matters to defer the hearing until a decision is rendered one way or the other on the issue whether the matter should be referred to larger Bench or not. Apart from anything else, deferring the consideration would avoid inconvenience to the litigating parties, whether it is the State or individuals.

Delay condoned in SLPs.

Issue notice on SLPs returnable on 7th March, 2018.

Dasti.

(SANJAY KUMAR-I)
AR-CUM-PS

(KAILASH CHANDER)
COURT MASTER