

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
RECORD OF PROCEEDINGS

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

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

Mr. Neeraj Kishan Kaul, Sr. Adv.
Mr. Dhruv Sharma, Adv.
Mr. Bhavya Sethi, Adv.
Mr. Tejaswi Kumar Pradhan, AOR
Mr. Tejaswi Kumar Pradhan, Adv.
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

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. B. K. Satija, 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. Sibbo Sankar Mishra, AOR

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

Ms. Manjeet Kirpal, AOR

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

Mr. Arijit Prasad, Sr. Adv.
Mr. Vikas Verma, Adv.
Ms. Sapna Verma, Adv.
Mr. Shafik Ahmed, Adv.
Mr. V. Elanchezhian, AOR

Mr. Rajat Joseph, AOR

Mr. Smarhar Singh, AOR
Ms. Shweta Kumari, Adv.
Mr. Digvijay Chaprana, 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. Kamalendra Mishra, Adv.
Mr. Vikas Bansal, Adv.
Mr. Amrisha Kumar, 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/solatium 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)