

(2019) 09 CAL CK 0257

In the Calcutta High Court

Case No : Adms. C. Appl Order (FMAT) No. 817, 824 Of 2019, Civil Application (CAN) No. 8521, 9182 Of 2019

National Highway Authority Of India And Others

APPELLANT

Vs

Ajit Kumar Dutta & Ors

RESPONDENT

Date of Decision : 20-09-2019

Acts Referred:

Citation : (2019) 09 CAL CK 0257

Hon'ble Judges : Ravi Krishan Kapur, J;Soumen Sen, J

Bench : Division Bench

Advocate : Manika Roy, Ramen Bose, Banibrata Datta

Final Decision : Allowed/Disposed Of

Judgement

Re: CAN 8521 of 2019

The appellant has preferred an appeal against the order passed by the learned District Judge, Nadia on 27th May, 2019 in connection with an application for setting aside of the award registered as Misc. Arbitration Case No.29 of 2014.

From the impugned order, it appears that the appellant has deposited with the Competent Authority an amount of Rs.2,67,62,686/- as determined by the said Authority as compensation payable to the land losers.

The learned Counsel for the respondents-land losers has submitted before us that the respondents have also preferred an appeal against a part of the order in which an objection was raised by the appellant that the amount of Rs.50 lakhs per acre cannot be determined to be the rate of compensation.

In view of the fact that the appellant has deposited a sum of Rs.9,52,78,883/- with the Competent Authority, we direct the Competent Authority to pay the land losers in the ratio as determined by the Competent Authority by way of cheques or demand drafts upon proper identification of the land losers within a period of two weeks from the date of communication of this order.

CAN 8521 of 2019 stands disposed of.

Re: FMAT 817 of 2019

Let the Lower Court Records of this case be called for immediately by Special Messenger at the costs of the appellant. Such costs are to be deposited within one week from date.

After arrival of the lower Court records, office shall examine the same and if found complete, shall serve notice of arrival of lower Court record on the learned Advocate for the appellant at once.

Upon the deposit of such requisites, the Department is directed to take steps for effecting service of notice of appeal upon the respondents forthwith. In default of putting in the requisites within the aforesaid time, put up for final orders.

The respondent nos. 1, 2, 5, 6, 8-14, 16-18, 20-22 and 24-40 are represented by their learned Advocate. Service of notice of appeal upon the said respondents is waived. Service of notice of appeal shall be effected upon the other respondents.

The appellant shall prepare and file requisite number of paper books, printed, typewritten or cyclostyled, as the case may be, out of court, within eight weeks.

All formalities regarding preparation of paper books are dispensed with, but the learned Advocate for the appellant is directed to incorporate all the relevant documents in the formal paper books.

Re: CAN 9182 of 2019

In view of the order passed in CAN 8521 of 2019, the application for appropriate order is allowed.

Re: FMAT 824 of 2019

We have already directed the appellant in FMAT 817 of 2019 to prepare paper books. In view thereof, there is not need for the present appellants to file separate paper books as it would result in duplication of the paper book.

Service of notice of appeal upon the respondent is waived by Ms. Manika Roy, learned Advocate appearing on behalf of NHAI.