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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

True copy

02/02/2009

Dipak Kumar Das, IAS (Retd.)
Asst. General Manager (Admin.), WBHICO Ltd.
Off. of CEO & Executive Deputy Secretary,
Govt. of West Bengal

Special Leave Petition (Civil) No.1348 of 2006

The State of West Bengal & Another

..... Petitioners

- Versus -

Shivam Industrial Parks & Estate Limited & Ors.

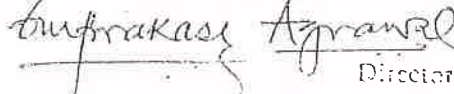
..... Respondents

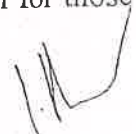
This Terms of Settlement has been arrived at by and between the State of West Bengal represented by Secretary, Housing Department, Government of West Bengal and Managing Director, West Bengal Housing Infrastructure Development Corporation Ltd. and Shivam Industrial Parks and Estate Limited represented by Sri Om Prakash Agarwal, Managing Director, the respondent nos. 1 and 2 herein, on this day of February, 2009.

WHEREAS the proposed Land acquisition for about 76.33 acres is exclusively meant for construction of a 6 lane road of length about 7 Km out of which land acquisition for 58.48 acres has already been completed and balance land acquisition is in very advanced stage, excepting the land of 2.96 acres which is involved in the present litigation.

AND WHEREAS the proposed road, which is going to connect New Town on the one hand and NH-34 on the other hand, is meant to serve as a major thoroughfare/corridor for residents of New Town as well for those in Kolkata.

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Director



AND WHEREAS such developmental work for construction of a main road corridor has been badly affected as a result of the said litigation and therefore in consideration of the greater interest of the society, the Respondents of the present litigation have agreed in principle that the said construction of the road should be given priority and allowed to be executed.

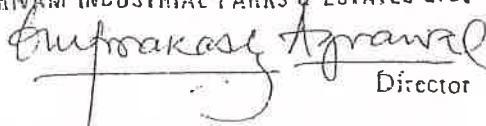
AND WHEREAS the Respondent (Shivam Industrial Parks and Estate Limited) has expressed great concern over delay in setting up of his Industrial Unit on his land.

WHEREAS the aforesaid Respondent (Shivam Industrial Parks and Estate Limited), during the pendency of the above SLP had prayed for settlement of the matters/ disputes involved in the above SLP.

AND WHEREAS the respondent (Shivam Industrial Parks and Estate Limited), has agreed to the necessity of the proposed road. A good number of population has already started residing in New Town project site and the various IT Industries like IBM, Technology Park have already been started their activities in the proposed

AND WHEREAS respondent (Shivam Industrial Parks and Estate Limited), proposed for settlement praying some lands to be allotted to them in lieu of acquired lands. Petitioner (West Bengal Housing Department) after considering the importance & necessity of the above 7 K.M. connecting road between New Town and NH-34 as well as for the public interest at large, has decided to accept the proposal partly.

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Director



True copy -
Date 02/04/2009
Dipak Kumar Das, WBCS (Exe.)
Addl. General Manager (Admn.), WBHIDCO Ltd.
Off. of OSD & Ex-Officio Deputy Secretary,
Govt. of West Bengal

AND WHEREAS the parties have ultimately agreed to settle/resolve the dispute and now the parties have agreed to the following terms and conditions :

- i) Notification being No. North 24 Parganas No.66/LA-4/52 of 2005-06/NTP dated 9th June, 2006 in respect of the land measuring about 1.69 acres situated and lying at plot nos.3403, 3395, 3396, 3399, 3413, 3412, 3416, 3398, 3393 appertaining to L.R. Khatian no.3692 of mouza Gopalpur, Police Station Rajarhat, District North 24 Parganas is a valid and in accordance with the provision of Land Acquisition Act, 1894 as held by the Trial Court in disposing of the writ petition being WP No. 17498(W) of 2006.
- ii) The remaining 1.27 acres out of 2.96 acres will be released from acquisition process.
- iii) The respondent (Shivam Industrial Parks and Estate Limited), will accept, in lieu, 1.5 acres of land to be given by the petitioners on payment of acquisition cost for the land which is situated at mouza Gopalpur P.S. Rajarhat, Dist : North 24 Parganas, adjacent to the proposed road and held by Transport Department, Govt. of West Bengal as their surplus land.
- iv) In view of the above settlement reached between the parties, both the State of West Bengal and Shivam Industrial Parks and Estate Limited do not wish to proceed further in the matter and

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Dec 22/04/2009

Dipak Kumar Das, WBCS (F.x.s.)
Addl. General Manager (Admin)
Govt. of West Bengal
Secy. to the
Govt. of West Bengal

SHIVAM INDUSTRIAL PARKS & ESTATES LTD.

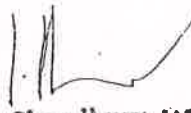
Omprakash Agrawal
Director

consequently the order passed in the writ petition being WP No.17498(W) of 2006 filed by Shivam Industrial Parks and Estate Limited in the High Court at Calcutta (Shivam Industrial Parks and Estate Limited -Vs- The State of West Bengal & Ors.) shall stand affirmed. The appeal filed before the Hon'ble Calcutta High Court (Shivam Industrial Parks and Estate Limited -Vs- The State of West Bengal & Ors.) being MAT No.3582 of 2006 shall be treated as dismissed upon withdrawal and the SLP may be disposed of accordingly.


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12/04/09

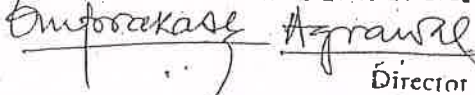
Dipak Kumar Das, WBCS (Exe.)
Addl. General Manager (Admin.), WBHIDCO Ltd.
Off. of OSD & Ex-Officio Deputy Secretary,
Govt. of West Bengal


Sumantra Choudhury, IAS
Additional Chief Secretary,
Govt. of West Bengal &
Managing Director, WB HIDCO LTD.

6/2/09


06/2/09
Sudhansu Sekhar Naskar
Secretary
Housing Department
Government of West Bengal

SHIVAM INDUSTRIAL PARKS & ESTATES LTD.


Director

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

IA 1/2007 in
Petition(s) for Special Leave to Appeal (Civil) No(s).1348/2007
(From the judgement and order dated 01/11/2006 in MAT No. 3582/2006
of The HIGH COURT OF CALCUTTA)

STATE OF WEST BENGAL & ANR.

Petitioner(s)

VERSUS

SHIVAM INDUSTRIAL PARKS & EST.LTD.& ORS.

Respondent(s)

(For recalling the court's order dated 2.2.2007 and office report)
WITH

IA NO.4/2009 IN SLP(C)NO.1348/2007 (APPLICATION FOR DIRECTIONS)

Date: 13/05/2009 This Petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE TARUN CHATTERJEE
HON'BLE MR. JUSTICE H.L. DATTU

Certified to be true copy


Assistant Registrar (Judl)


15.5.09
Supreme Court of IndiaFor Petitioner(s) Mr. Pijush K. Roy, Adv.
Mr. G. Ramakrishna Prasad, Adv.For Respondent(s) Mr. Manoj, Adv.
Mr. Paritosh Sinha, Adv.
Ms. Aparna Sinha, Adv.
Mr. Abhijat Parashar Medh, Adv

Mr. Sunil Kumar Verma, Adv.

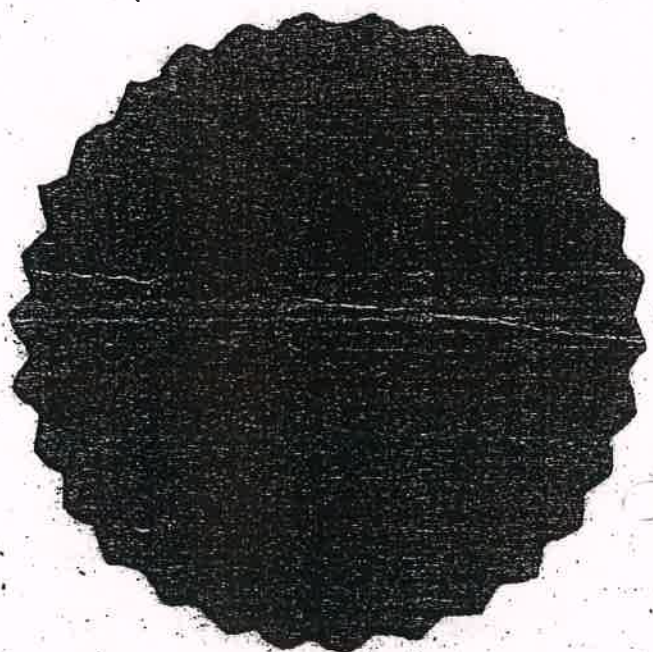
Mr. Avijit Bhattacharjee, Adv
Mr. Bikash Kargupta, Adv.UPON hearing counsel the Court made the following
O R D E R

Learned counsel appearing for the parties submit
that the disputes between the parties have already been
settled and they have filed "Terms of Settlement" along
with IA No.4/2009 seeking direction to dispose of the
instant SLP in terms of "Terms of Settlement". The
special leave petition and all interlocutory applications
are accordingly disposed of. Aforesaid "Terms of
Settlement" shall form part of this order and decree.


(A.D. Sharma)
Court Master


(Phoolan Wati Arora)
Court Master

URGENT FEE Rs. 5/-



SUPREME COURT OF INDIA
 Certified copy issued

Matter No. SLP (C) No. 1348/07
 Brief Cause Title State of West Bengal vs Shyam Industrial Park & Est. Ltd. & Ors.

SEALED IN MY PRESENCE

SRR: No. 08
 To. of 11/5
 Rs. 11/-
 Re clerks only.

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