

HIGH COURT OF SIKKIM : GANGTOK
Record of Proceedings

WA No. 01/2023

GATI INFRASTRUCTURE GROUP (GATI) APPELLANT (S)

VERSUS

DOLMA KUMARI THATAL & ORS. RESPONDENT (S)

For Appellant : Mr. Karma Thinlay Bhutia, Senior Advocate with
Mr. Yashir Namgyal Tamang and Mr. Sudhir Prasad,
Advocates.

For Respondent : Ms. Mon Maya Subba, Advocate.
Nos. 1 and 2

For Respondent : Mr. Thinlay Dorjee Bhutia, Government Advocate.
Nos. 3 and 4

Date: 04/08/2023

CORAM:
HON'BLE MR. JUSTICE BISWANATH SOMADDER, CHIEF JUSTICE
HON'BLE MR. JUSTICE BHASKAR RAJ PRADHAN, JUDGE

...

O R D E R: (per the Hon'ble, the Chief Justice)

On 24th May, 2023, on the prayer of the learned Mediator, we had adjourned the matter till today so that in the meanwhile the Mediator was able to resolve the issue and file his report on the next date.

Today, when the matter is taken up for consideration, we have before us a report of the learned Mediator in the form of an affidavit. Paragraph 6 of the said report, which is of relevance, is quoted hereinbelow:



"6. That on 27.07.2023, the parties finally agreed on the quantum of compensation to be paid to the Respondents by the Appellants and also the mode in which such quantum is to be transferred to the Respondents by the Appellant. However, on the aforesaid date the Appellant side put certain terms and conditions for utilisation of the aforesaid compensation amount by the Respondents which terms and conditions were not at all agreeable to the Respondents and I was requested by the aforesaid parties to submit my report accordingly before the Hon'ble Court."

The only issue which we were concerned with in the present proceedings was with regard to the parties agreeing on the quantum of compensation to be paid to the respondents by the appellant.

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Paragraph 6 as reproduced hereinabove, clearly reveals that the parties before us have finally reached an agreement on that score. So far as the appellant putting certain terms and conditions for utilisation of the compensation amount by the respondents, that was not even the subject matter of the proceedings before us. As such, that part of the report of the learned Mediator requires no consideration by this Court.

Considering the facts and circumstances of the case, as stated above, we dispose of the appeal before us with a direction upon the parties to comply with whatever has been agreed upon before the learned Mediator, as stated in the first sentence of paragraph 6, reproduced hereinabove. The parties before us also agree that the appellant shall transfer the quantum of compensation, as agreed upon before the learned Mediator, by means of direct electronic money transfer from the bank account of the appellant to the bank account(s) maintained by the respondents no. 1 and 2, within six weeks from date.

The appeal is accordingly disposed of.

(Bhaskar Raj Pradhan)
Judge

(Biswanath Somadder)
Chief Justice

jk/bp/ami

