

HIGH COURT OF CHHATTISGARH, BILASPUR
WA No. 785 of 2018

(Arising out of Order dated 11.07.2018 passed in Writ Petition No.3053/2004 by the learned Single Judge)

- Sushil Kumar Agrawal S/o Shri Dev Raj Agrawal Aged About 49 Years R/o Saket Apartment, J-5, Near Agrasen Chowk, Bilaspur Chhattisgarh.

---- Appellant

Versus

1. State of Chhattisgarh Through The Secretary, Department of Revenue, Mantralaya, D.K.S. Bhawan, Raipur Chhattisgarh.
2. National Thermal Power Corporation Limited, Sipat, Through Its General Manager, Post Office Sipat, District Bilaspur Chhattisgarh.
3. The Collector, Bilaspur, District Bilaspur Chhattisgarh.
4. Sub Divisional Officer, Revenue, Bilaspur, District Bilaspur Chhattisgarh.

---- Respondents

For Appellant	:	Shri Anup Mazumdar, Advocate
For Sate	:	Shri Prasun Bhaduri, Government Advocate
For NTPC	:	Shri B.D. Guru, Advocate

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice
Hon'ble Shri Parth Prateem Sahu, Judge

Judgment on Board

Per, Ajay Kumar Tripathi, Chief Justice

28.11.2018

1. I.A. No. 01 of 2018 is an application for condonation of delay in filing the appeal.

For the reasons indicated in the application, the said I.A. is allowed and the delay in filing the appeal is condoned.

2. Two writ applications were heard and decided by a common order dated 11.07.2018. The Writ Appeal No.664 of 2018 arising out of Writ Petition No.3053 of 2004 came to be heard earlier and decided on 11.10.2018. The Court after hearing the parties dismissed that appeal by giving reasons therein. Since the factual matrix and the relief are identical in nature even in the present appeal against that common order of the learned Single Judge dated

11.07.2018, even this writ appeal is dismissed. All the rationale and reasoning which has been given by the Division Bench in its order dated 11.10.2018 passed in Writ Appeal No.664 of 2018 shall also apply to the present case.

3. The following direction shall also apply :-

“In the above circumstances, since it was not a case of acquisition of land of the Appellant, but closure of the lease by non-renewal, therefore, the 6% interest which has been awarded by the learned Single Judge cannot be faulted with. Any analogy from the Land Acquisition is misplaced and illogical.”

Sd/-
(Ajay Kumar Tripathi)
Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge