

August 03, 2021

ARDR

(25)

WPA 2106 of 2020

Avana Ecobuilt Materials Private Limited

Vs.

Union of India & Ors.

Mr. Saptangshu Basu, Sr. Adv.,
Mr. Om Narayan Rai,
Mr. Nikhilesh Mittal,

...for the petitioner.

Mr. Chandi Charan De,
Ms. Bandana Ghosh,

...for the State.

The grievance of the petitioner is directed against an order dated 5th September, 2019 passed by the Competent Authority under the Petroleum and Minerals Pipelines (Acquisition of Right of Users in Land) act, 1962 (hereinafter referred to as the “Act”).

The petitioner assails the impugned order which has been passed under Section 5 of the Act.

Mr. Basu appearing on behalf of the petitioner fairly submits that the only right which the petitioner seeks at this stage is right of compensation as stipulated under Section 10 of the Act. He further submits that the petitioner ought to be given a right of hearing in determining the compensation to be awarded under the Act in accordance with law.

Mr. De appearing on behalf of the State respondents fairly submits that he has no objection if the petitioner is given a right of hearing under Section

10 of the Act in order to assess the compensation payable to the petitioner.

In view of the submissions made on behalf of the parties, WPA 2106 of 2020 is disposed of by directing the State respondents to give a right of hearing to the petitioner under Section 10 of the Act in order to assess the compensation payable to the petitioner.

It is made clear that the aforesaid proceeding for consideration would be disposed of as expeditiously as possible without granting any adjournment on any ground whatsoever to any of the parties. The aforesaid exercise is to be completed within a period of three months from the date of communication of this order.

I make it clear that I have not gone into the merits of the case and the respondent authorities in adjudicating the right of compensation will not be influenced by any observation or finding made in this order insofar as the merits of the case are to be considered.

With the aforesaid directions, WPA 2106 of 2020 stands disposed off.

(Ravi Krishan Kapur, J.)