

13.12.2024
Item No.89-105
RP
Ct. No.07

WPA 4663 of 2020
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WPA 4674 of 2020
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WPA 4676 of 2020
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WPA 4678 of 2020
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WPA 4879 of 2020
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WPA 4880 of 2020
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WPA 11444 of 2020
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WPA 11447 of 2020
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WPA 11453 of 2020
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WPA 11477 of 2020
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WPA 11480 of 2020
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WPA 11483 of 2020
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WPA 11487 of 2020
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WPA 11490 of 2020
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WPA 11493 of 2020
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WPA 8359 of 2021
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WPA 8367 of 2021

Mr. Amit Kumar Pan
.....for Petitioner

Mr. Promod Kumar Drolia
Mr. Santosh Kumar Pandey
.....for UOI/Metro Railway

Mr. Rahul Gakar
Ms. Dipika Gakarfor Respondent in WPA 4880/2020

In Re :WPA 11480 of 2020
K.K. Commodities LLP (Formerly known as K.K.
Commodities Pvt. Ltd.)
Vs.
Union of India & Ors.

1. After hearing the learned advocates for the respective parties, this Court finds that the issue involved in this writ petition is slightly different from the issues

involved in other writ petitions of the batch. Accordingly this writ petition is de-tagged from the batch of writ petitions and is dealt with by this Court separately.

2. Learned advocate appearing for the Metro Railway Authority submits that the order impugned in this petition under Article 226 of the Constitution of India was the subject matter of challenge in an earlier application under Article 227 of the Constitution of India being CO No. 3104 of 2018.
3. After going through the order dated 04.02.2020 passed in the said Civil Order this Court finds that the Metro Railway Authority challenged the order dated 10th May, 2018 passed by the Appellate Authority, Metro Railway in Claim Appeal No.22 of 2017 in the said civil order. The petitioner herein, who is the claimant and the opposite party in the aforesaid civil order no.3104 of 2018 has challenged the selfsame order in this application under Article 226 of the Constitution of India.
4. Since the order of the Appellate Authority dated May 10, 2018 passed in Claim Appeal No.22 of 2017 was modified by this Court by order dated 4th February, 2020 in CO 3104 of 2018 and the said order has already attained finality, the order dated May 10, 2018 cannot be the subject matter challenge under Article 226 of the Constitution of India.
5. Mr. Pan, learned advocate for the writ petitioner would strenuously contend that the petitioner herein is entitled to interest in terms of Section 80 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement

Act, 2013 (for short the said “Act of 2013) and this Court should direct payment of interest in terms of the said provision.

6. After going through the order dated 4th February 2020 this Court finds that similar submission was made by Mr. Pan in CO 3104 of 2018 and the said prayer was turned down by this Court with the following observation.

“Since the said issue regarding entitlement of interest in terms of Section 80 was not raised by the opposite party herein either before the Competent Authority or before the Appellate Authority, the same cannot be made the subject matter of adjudication in the instant application under Article 227 of the Constitution of India at the instance of the opposite party who has accepted the judgment impugned.”

7. Therefore, the prayer of the petitioner for grant of interest under Section 80 cannot be entertained by this Court in the instant writ petition. With the above findings, this **WPA 11480 of 2020** stands disposed of.
6. List other writ petitions in the next week.

(HIRANMAY BHATTACHARYYA, J.)