

ITEM NO.22

COURT NO.1

SECTION XVI

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition for Special Leave to Appeal (C) No. 28119/2024

[Arising out of impugned final judgment and order dated 09-08-2024
in APO No. 118/2023 passed by the High Court at Calcutta]

TERAI TEA COMPANY LTD.

Petitioner(s)

VERSUS

SILIGURI JALPAIGURI DEVELOPMENT AUTHORITY & ORS.

Respondent(s)

(FOR ADMISSION, IA No. 48421/2025 - APPROPRIATE ORDERS/DIRECTIONS
and IA No. 291078/2024 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)

WITH

Diary No. 46595/2024 (XVI)

(FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA
17222/2025 and FOR CONDONATION OF DELAY IN REFILING / CURING THE
DEFECTS ON IA 17225/2025)

Date : 08-04-2025 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJAY KUMAR

Present: Ms. Garima Parshad, Sr. Adv.

For Petitioner(s) :

Mr. C.A. Sundaram, Sr. Adv.
Mr. Pankaj Jain, Adv.
Mr. Ashok Kumar Jain, Adv.
Mrs. Meenakshi Jain, Adv.
Mr. Bijoy Kumar Jain, AOR

Mr. Rakesh Dwivedi, Sr. Adv.
Ms. Madhumita Bhattacharjee, AOR
Ms. Debarati Sadhu, Adv.

For Respondent(s) :

Mr. Bijoy Kumar Jain, AOR

Mr. Siddharth Batra, AOR

Mr. Chinmay Dubey, Adv.
Ms. Shivani Chawla, Adv.

Mr. Priyanshu Upadhyay, AOR
Mr. Anujit Mookherji, Adv.
Mr. Abhinav Sharma, Adv.
Mr. Nishant Singh, Adv.

Mr. Rakesh Dwivedi, Sr. Adv.
Ms. Madhumita Bhattacharjee, AOR

Ms. Malvika Trivedi, Sr. Adv.
Mr. Nipun Katyal, Adv.
Mr. Surya Pratap Singh Rana, Adv.
Mr. Manan Sharma, Adv.
Mr. Shailendra, Adv.
Ms. Shilpa Singh, AOR

UPON hearing the counsel, the Court made the following
O R D E R

Our attention is drawn to the Deed of Lease, drawn up by the Siliguri Jalpaiguri Development Authority,¹ to submit that there is variation between the lease clauses and the terms which were fixed by this Court, *vide* order dated 04.02.2025. It is pointed out that the terms of the lease, as propounded, makes it impossible for any bidder to give a suitable bid as there are stipulations with regard to payment of market rent, cancellation of lease at any time without payment of compensation in case the property is required for a public purpose, etc.

Ms. Garima Parshad, learned Senior Advocate, who was requested to remain present during the auction, states that no bidder had come forward.

Given the aforesaid facts, we direct the SJDA to deposit

¹ "SJDA", for short.

₹10,00,000/- (Rupees Ten Lakhs Only) in this Court within a period of three weeks from today towards the expenses incurred and as costs for having proposed a Deed of Lease which is in complete variance with the directions given by this Court.

₹10,00,000/- (Rupees ten lakhs only) to be deposited by the SJDA will be transferred to the High Court at Calcutta.

In view of the order passed today, learned Senior Advocate appearing for the petitioner, M/s. Terai Tea Company Ltd., in SLP(C) No. 28119/2024, states that he would like to withdraw the said special leave petition.

In view of the statement made, SLP(C) No. 28119/2024 is dismissed as withdrawn.

In view of the aforesaid position, the prayer made by the petitioner, M/s. Terai Tea Company Ltd., in I.A. No. 60724/2025 in SLP(C) No. 28119/2024, for withdrawal of ₹50 crores deposited by it in this Court along with interest accrued, if any, is accepted. Registry is directed to release ₹50 crores along with interest accrued, if any, to the petitioner, M/s. Terai Tea Company Ltd.

I.A. No. 60724/2025 in SLP(C) No. 28119/2024 accordingly stands allowed.

Re-list SLP(C) Diary No. 46595/2024 in the week commencing 13.05.2025.

Learned Senior Advocate appearing for the SJDA states that the SJDA would be filing an affidavit, enclosing therewith fresh terms and conditions of the Deed of Lease. The SJDA is permitted to do so.

The SJDA will ensure payment of ₹2,00,000/- (Rupees Two Lakhs Only) to Ms. Garima Parshad, learned Senior Advocate along with lodging and boarding expenses, within three weeks from today.

(DEEPAK GUGLANI)
AR-cum-PS

(R.S. NARAYANAN)
ASSISTANT REGISTRAR