**IN THE SUPREME COURT OF INDIA**[SCR XXI RULE 3(1)(A)
**CIVIL APPELLATE JURISDICTION**(Under Article 136 of the Constitution of India)
**SPECIAL LEAVE PETITION (C) CC NOS. \_\_\_\_\_ OF 2015**

**IN THE MATTER OF:**

HT & ORS                                                             ....PETITIONERS

VERSUS

STATE OF CHHATTISGARH & ORS                         ....RESPONDENTS

**REJOINDER AFFIDAVIT ON BEHALF OF THE PETITIONERS TO THE COUNTER AFFIDAVIT OF RESPONDENT NO.1 to 4**

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, aged \_\_ years, Son of Shri \_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_ \_\_\_\_ \_\_\_\_\_\_\_ \_\_ \_\_\_\_\_, do hereby solemnly affirm and declare as under:

1. That I am the Petitioner No. 1 in the above mentioned SLP and being familiar with the facts and circumstances of the cases, I am competent and fully authorised to swear this Affidavit. I have also authorised by all the petitioners in the SLP to file this affidavit on their behalf.

2. That the Petitioner has read and understood the counter affidavit filed by Respondent No.1 to 4 and the reply to the same is as under.

3. That the Petitioner is not filing para-wise reply to the counter affidavit and therefore, at the outset it is submitted that all the submissions made by Respondent No.1 to 8 are deemed to be denied unless specifically admitted.

4. That, before furnishing reply, the Petitioners craves leave of this Hon'ble Court to make the following preliminary submissions.

**PRELIMINARY SUBMISSIONS**

The present Special Leave Petition concerns the acquisition of land initiated by the State Government in the village \_\_\_\_\_of State of \_\_\_\_\_. The Government had initiated land acquisition proceedings to acquire approximate 50 acres of land for Respondent No. 8, , a Private Company.

5. The MoU dated \_\_\_\_\_\_ entered into between Government and M/s. \_\_\_\_\_\_\_\_\_\_\_ Limited contains the following terms which shows that the land was being acquired for a private company:

a. "The Company shall identify a suitable site in the State and carry out necessary surveys for availability of land for the Power Station, Township and ash bound, source of coal, feasibility of movement of coal, water availability, power evacuation etc. The Company shall submit Feasibility Report of the Project to the Government within 6 months of signing this MoU. The Company shall obtain all necessary clearances from the competent authorities"

**REPLY TO THE COUNTER AFFIDAVIT OF RESPONDENT NO. 1 TO 8**
6. The Contention of the Respondents that the land was being acquired for Respondent No. 8, a Private Company in pursuant to the State Government's Energy Policy dated 31.10.2001.

7. The contentions of Respondent No. 8 by reference made in the case of Pratibha Nema V. State of M.P., (2003) 2 SCC 626 is misleading as the facts in this case are entirely different than the above sited case.

**REPLY TO THE COUNTER AFFIDAVIT ON MERITS**

8. The petitioner puts in its replay to the counter affidavit subject to and without prejudice to the preliminary submissions mentioned above:

**QUESTION OF LAW:**

The present Special Leave Petition raises substantial question of law of general public for consideration of this Hon'ble Court and the SLP needs to be allowed. Without prejudice the Petitioner submits as under:

**A to D**

The question of law are very important and to be answered as the land acquisition was done to hand over the land for a Private Company to setup and run power generation project to make profit for the company. The land acquisition might have done under Part VII of the Act for the Company, as there is no investment from the part of the Government. Further, as per the MoU the company is responsible to invest total project cost of Rs. 5000 Crore.

9. In view of the submissions made hereinabove, it is most respectfully submitted that this Hon'ble Court may graciously be pleased to allow the captioned Special Leave Petition.

10. That no new facts have been pleaded in the present Rejoinder affidavit neither any document has been annexed which was not part of the record before the courts below.

DEPONENT

**VERIFICATION:**I, the above named Deponent, do hereby verify that the contents of the above Affidavit and the Annexures herewith are true and correct to the best of my knowledge, no part of it is false and nothing material has been concealed therefrom.

Verified at New Delhi on \_\_\_\_\_\_\_\_\_, 20\_\_.

DEPONENT