

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

I.A. No. 11 in Civil Appeal No.7160/2003
with I.A. Nos. 12-15 & in Civil Appeal No. 7160/2003

ALLAHABAD BANK

Appellant (s)

VERSUS

STATE OF U.P. & ORS.

Respondent (s)

(For directions and exemption from filing O.T. and
modification of Court's order dated 05.09.2003 and for
urging addl. Facts and for intervention and office report)

Date : 27/02/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.N. VARIAVA
HON'BLE MR. JUSTICE H.K. SEMA

For Appellant (s)Mr. Dhruv Mehta, Adv.
Mr. Mohit Chaudhary, Adv.
Ms. Shalini Gupta, Adv.
M/s K.L. Mehta & Co.,Adv.

For Respondent (s)Mr. Subodh Markandeya, Sr.Adv.
Mr. S.Wasim A.Qadri, Adv.
Mr. Kamendra Mishra, Adv.
Mr. Rajeev Dubey, Adv.
Ms. Rashmi Singh, Adv.

Mr. U.U.lalit, Adv.
Mr. Gaurav Agrawal, Adv.
Mr. Saurav Agrawal, Adv.
Mr. Prashant Kumar,Adv.

Mr. R.S.Hegde, Adv.
Mr. Chandra Prakash, Adv.
Ms. Savithri Pandey, Adv.
Mr. P.Devesh, Adv.
Mr. P.P. Singh,Adv.

Mr. Ramesh Singh, Adv.
Mr. Pratap Venugopal, Adv.
Mr. P.S. Sudheer, Adv. for
M/s K.J. John & Co.

Mr. Vishwajit Singh, Adv.

Mr. H.L.Agrawal, Adv.
Mr. C.S.Ashri, Adv.

Mr. H.P.Sharma, Adv.
Mr. Ashok K.Sharma, Adv.
Mr. Rajiv Nanda, Adv.

UPON hearing counsel the Court made the following

O R D E R

This I.A. No. 11 is filed for extension of time to lift the sugar. The Applicants had been permitted to lift the sugar pursuant to the Court's order dated 26th September, 2003. Both sides blame each other. Applicants claim that the State has not permitted them to lift the sugar

as per the terms and conditions. State contends that it was the Applicants who were not willing to lift the sugar or make payment of the price. It is claimed that the Applicants do not want to deposit the amounts. This is denied.

We see no reason to go into the controversy. We are willing to give time of 20 days, from today, to the Applicants to lift the sugar provided the Applicants deposit the entire amount remaining due and payable within two days from today. On taking instructions we are told that the

Applicants are willing to deposit half the amount immediately and the balance amount within 10 days. We are not satisfied with that. The time to deposit has long expired. Even though there may be some controversy on whether the Applicants were permitted to lift, there is no dispute that Applicants would have deposited the amounts as per the terms and conditions. Had they deposited then their bona fides would not have been doubted. As the Applicants are not willing to deposit the entire amount within two days from today, we do not see any bona fides in this Application. The Application stands dismissed.

Stay order is vacated.

We, however, clarify that the re-auction must be conducted forthwith. All parties are at liberty to bid.

Application for intervention and all other Applications are also rejected.

Anita

(Jasbir Singh)
Court Master