

LISTED ON : 24.10.2016
COURT NO.: 07
ITEM NO. : 20

SECTION XII-A
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

INTERLOCUTORY APPLICATION NO. 1

(Application to recall/clarification of the Hon'ble Court's order dated 18.01.2016)

IN

PETITIONS FOR SPECIAL LEAVE TO APPEAL(C) NOS. 504 AND 510 of 2016

WITH

PRAYER FOR INTERIM RELIEF

CHIEF GENERAL MANAGER (ENGG),
PROJECT CONSTRUCTION CIRCLE-III
& ORS.

...PETITIONERS

-VERSUS-

NCC-SMC (JV)
M/S. NAGARJUNA CONSTRUCTION
COMPANY LIMITED, JOINT VENTURE
WITH M/S. SMC INFRASTRUCTURE (P) LTD.
& ORS.

...RESPONDENTS

OFFICE REPORT

The matters i.e. SLPs above-mentioned were listed before the Hon'ble Court on 18th January, 2016, when the Hon'ble Court was pleased to pass the following order :

“Petitioners are aggrieved by order dated 29.12.2015 in CC No.1546 of 2015 passed by the High Court of Judicature at Hyderabad, directing their personal appearance before the Court.

Shri Tushar Mehta, the learned Additional Solicitor General appearing for the petitioners submits that the amount to be credited as directed by the High Court has been done. It has also been said so in the affidavit before the High Court tendering also apology. If it is so, we do not find any justification for the High Court to proceed with the Contempt.

In that view, we do not think it necessary to issue notice to the respondents at this stage.

In case the aforesaid orders have been complied with, no further contempt proceedings be continued. We request the High Court to defer the orders with regard to personal appearance of the petitioners herein.

We make it clear that in the nature of the order we have passed, we have not gone into other contentions including that on limitation. They are left open.

The special leave petitions are disposed of as above.”

Subsequently, Interlocutory Application No. 1 (Application to recall/clarification of the Hon'ble Court's order dated 18.01.2016) was listed before the Hon'ble Court on 11th May, 2016, when the Hon'ble Court was pleased to pass the following order :

“Issue notice on I.A. No.1/2016.
Reply to the application be filed within four weeks.
Rejoinder Affidavit, if any, be filed within another two weeks.”

Again, the Interlocutory Application No. 1 (Application to recall/clarification of the Hon'ble Court's order dated 18.01.2016) was listed before the Hon'ble Court on 21st September, 2016, when the Hon'ble Court was pleased to pass the following order :

“Learned senior counsel appearing for the applicant-respondent No.1 submits that the State of Andhra Pradesh has already paid in cash their part of 1.2%, in terms of order passed by the High Court which has attained finality. What remains to be paid is only by the State of Telangana.
Learned Solicitor General seeks a week's time to take instruction.
List these matters on 27th September, 2016.”

Lastly, the applications above-mentioned in the matters are listed before the Hon'ble Court on 27th September, 2016, when the Hon'ble Court pleased to pass the following the order:-

“The learned counsel for the petitioners, on instruction, submits that the entire amounts covered by the 1.2% deducted from VAT can be paid to the respondents. The petitioners may do so within a period of two weeks from today.
In view of the submission, as above, the contempt proceedings initiated by the respondents as against the petitioners shall be deferred. Post after three weeks.”

It is submitted to the Hon'ble Court that counsel for the Petitioner has not filed any proof of amounts paid to the Respondents so far.

It is further submitted that counsel for the Petitioner has not filed any document in Pursuant to the Court's order dated 21st September, 2016.

It is also submitted that Mr. S. Udaya Kumar Sagar, Advocate has on 3rd August, 2016 filed reply affidavit in I.A 1 on behalf of Petitioner in both the matters

and the said reply affidavit is barred by time by 56 days in view of Court's order dated 11th May, 2016 and the same is already included in paper books.

The aforesaid applications in the matter are listed before the Hon'ble Court with this office report.

Dated this, the 21st day of October, 2016.

ASSISTANT REGISTRAR

Copy to :

1. Mr. S. Udaya Kumar Sagar, Advocate
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2. Mr. Prashant Chaudhary, Advocate
121, New Lawyer's Chamber

ASSISTANT REGISTRAR