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URGENT

ITEM NO.34

COURT NO.5

SECTION XIA

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

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).22398/2004

(From the judgement and order dated 16/08/2004 in CWP No.32863/2003
of the HIGH COURT OF KERALA AT ERNAKULAM)

M/S.EXCEL PROPERTIES

Petitioner(s)

VERSUS

MUNDAKKAYAM SADASIVAN & ORS.

Respondent(s)

(With prayer for interim relief and office report)

Date: 05/11/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SHIVARAJ V. PATIL

HON'BLE MR. JUSTICE B.N. SRIKRISHNA

For Petitioner(s)

Mr. K.K. Venugopal, Sr. Adv.

Mr. Nidhesh Gupta, Adv.

Mr. Vinod Shukla, Adv.

Ms. S. Janani, Adv.

For Respondent(s)

Mr. T.M. Mohd. Yousefe, Sr. Adv.

Mr. Shakil Ahmed Syed, Adv.

Mr. Anurag Singh, Adv.

Mr. C.S. Vaidyanathan, Sr. Adv.

Mr. Sudarsh Menon, Adv.

Mr. A. Deb Kumar, Adv.

Mr. B.S. Sharma, Adv.

UPON hearing counsel the Court made the following

O R D E R

Heard the learned senior counsel for the parties for a while.

At the request of the learned senior counsel for the petitioner
the names of Respondent Nos.4 and 7 are deleted from the array of parties
at the risk and cost of the petitioner.

Leave granted.

The civil appeal is disposed of.

No costs.

[T.I. Rajput]
Court Master

[Shelly Sengupta]
Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2004
(Arising out of S.L.P. (C) No.22398 of 2004)

M/s. Excel Properties

...Appellant(s)

Versus

Mundakkayam Sadasivan & Ors.

...Respondent(s)

O R D E R

Heard the learned senior counsel for the parties on either side.

Leave granted.

The High Court, by the impugned order, allowed the writ petition and set aside the order of allotment dated 11th October, 2002 made in favour of the appellant. The High Court gave liberty to the Greater Cochin Development Authority [for short, "G.C.D.A."] to re-advertise the plot after giving wide publicity in accordance with law. It also directed to refund the amount deposited by the appellant. Pursuant to the impugned order made by the High Court, the plot was re-advertised and three parties offered their bids, the highest being Rs.17,02,886/-. The appellant did not offer its bid. The learned senior counsel for the appellant submitted that since the appellant had questioned the validity and correctness of the order of the High Court before this Court, it did not participate. Under these circumstances, we think it is just and appropriate to dispose of this appeal by the following order:

...2/-

- 2 -

The appellant and the three parties, who had offered their bids, are permitted to offer their bids afresh, in a sealed cover, within a period of one month from today. The minimum bid shall be not less than Rs.17,02,886/-. After receiving the offers within the period of one month, as stated above, the G.C.D.A. is permitted to accept the highest bid and proceed accordingly.

The three parties who had offered bids are to be initimated, along with the copy of this order, by the G.C.D.A. forthwith to enable them to offer their bids afresh.

The civil appeal is, accordingly, disposed of.

No costs.

.....J.

[SHIVARAJ V. PATIL]

.....J.

[B.N. SRIKRISHNA]

New Delhi,

November 05, 2004.