

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Civil Appeal No. 4410 of 1999

Bharat Vanijya Eastern (P) Ltd.

Appellant(s)

Versus

State of Jharkhand & Ors.

Respondent(s)

(With office report)

Date: 22/08/2007 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASHOK BHAN

HON'BLE MR. JUSTICE V.S. SIRPURKAR

For Appellant(s)

Mr. Bhaskar P. Gupta, Sr. Adv.

Mr. Deba Prasad Mukherjee, Adv.

Ms. Nandini Sen, Adv.

For Respondent(s)

Mr. Nagendra Rai, Sr. Adv.

For R-1

Mr. Manish Kr.Saran, Adv.

Mr.Vivek Singh, Av. for

Mr. Gopal Singh, Adv.

Mr. Krishnanand Pandey, Adv. [not present]

UPON hearing counsel the papers the Court made the following
ORDER

The appeal is disposed of in terms of the signed order.

(J.S.Rawat)

AR-cum-PS

(Kanwal Singh)

Court Master

[Signed order is placed on the file.]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 4410 OF 1999

Bharat Vanijya Eastern (P) Ltd.

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Respondent(s)

ORDER

1. This order may be read in continuation of our order dated 8th August, 2006, wherein after tracing out the entire history of the case we directed as under:

"Accordingly, the order dated 15.5.2006 passed by the Secretary (Finance) is set aside and it is directed that Secretary (Finance) would pass an order in terms of the order of this Court dated 14.02.2006, reproduced above, after affording an opportunity to all the parties. Parties through their counsel are directed to appear before the Secretary (Finance) on 8.9.2006 to get the date fixed for hearing. It is also directed that the Secretary (Finance) will make available to the parties all necessary documents."

2. Pursuant to the aforesaid direction Shri Mukhtiyar Singh, Principal Secretary, Government of Jharkhand, Finance Department, Ranchi in his Report dated 8th February, 2007 has held that the contractor is entitled to receive a sum of Rs.13,47,580/- (Rs. 8,91,235/- + Rs. 4,56,345/-) pertaining to two contracts which had been deducted from the two running accounts.

3. Accordingly, we direct that this amount of Rs.13,47,580/- be refunded to the appellant (contractor) along with interest as had been directed by the High Court initially i.e. @ 12% from the date it became due till the date of realisation. The refund be made to the appellant within eight weeks from the date of production or receipt of a certified copy of this Order. The appeal is disposed of accordingly.

.....J.
(ASHOK BHAN)

New Delhi;
August 22, 2007.

.....J.
(V.S. SIRPURKAR)