

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

INTERLOCUTORY APPLICATION NO. 3
(Application for directions)
IN
CIVIL APPEAL NO. 8887 OF 2014

M/s. Logos Constructions Pvt. Ltd. ...Petitioner

Versus

The Micro and Small Enterprises and
Facilitation Council, Chennai & Anr. ...Respondents

OFFICE REPORT

The Civil Appeal No. 8880 of 2014 alongwith connected matters above-mentioned was listed before the Hon'ble Court on 22nd November, 2013 when the Hon'ble Court was pleased to pass the following order:-

"Office has reported that service is not complete in S.L.P. Nos. 964 of 2013, 22313 of 2013, 18925 of 2013 and 25789 of 2013. Advocate-on-record in the above special leave petitions shall taken steps for service on the unserved respondents, returnable in ten weeks.

Dasti, in addition to the ordinary process. In S.L.P. (C)Nos. 16897 of 2013, 18925 of 2013 and 25789 of 2013, where deposits have been made and the amount has not been invested so far, Registry is directed to invest the same in a fixed deposit in terms of office Circular No. F.7/Judl./2007 dated 24.4.2007 initially for a period of six months and to be renewed thereafter for the same period until further orders.

In S.L.P. (C)Nos. 16472-16473 of 2013, advocate-on-record for the petitioners has deposited an amount of Rs. 36,74,694/- but there is no order to deposit the said amount.

Let that amount be also invested in a fixed deposit in terms of Office Circular No. F.7/Judl./2007 dated 24.4.2007 initially for a period of six months and to be renewed thereafter for the same period until further orders.

If the deposited amount is not 50% of the award amount, liberty is granted to the affected party to make an application for vacation of stay."

Thereafter Interlocutory Applications No. 2 (Application for vacating stay) filed by Mrs. Prabha Swami was listed before the Court from time to time and lastly it was listed before the Hon'ble Court on 21st November, 2016, when the Hon'ble Court while disposing Interlocutory Application No. 2 passed the following Order:-

"Heard Mr. Gurukrishna Kumar, learned senior counsel appearing for the non-applicant. It is fairly clear that the order regarding deposit has not been complied with in letter and spirit. However, we are inclined to grant one more opportunity.

We make it clear that in case 50% of the award, which necessarily includes interest, as directed by this Court, is not deposited within one month from today, the stay order dated 04.10.2013 shall stand vacated without further reference to the Court.

I.A. No. 2 of 2014 is disposed of in the above terms."

It is submitted that in pursuance to the order quoted above, Mr. Vikas Singh Jangra, Counsel for the Appellant, has on 21st November, 2016 deposits Rs.21,18,067/- vide D.D. No. 852873095 and the same has been deposited in non-interest bearing account by the Registry.

It is further submitted that Mrs. Prabha Swami, Advocate for Respondent No. 2, has on 18th January, 2017, filed an application for direction to withdraw the Principal amount of Rs.40,22.983/- which is due to it without any Bank Guarantee. The application has been registered as Interlocutory Application No. 3. Copy of the same is placed with Civil Appeal Paper books.

It is submitted that there are two respondents. Respondent No. 2 is represented by Mrs. Prabha Swami, Advocate. Respondent No. 1 stands served at Special Leave Petition stage.

Service is complete.

The application in the matter above mentioned is listed before the Hon'ble Court with this Office Report.

Dated this the 10th day of February, 2017.

ASSISTANT REGISTRAR

Copy to: Mr. Hari Shankar K., Advocate
Mrs. Prabha Swami, Advocate

ASSISTANT REGISTRAR

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