

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

CIVIL APPEAL NOS. 1376-1385 OF 2013

TRANSMISSION CORP. OF A.P. LTD. & ORS. ETC. Appellant (s)

VERSUS

SLS POWER LTD. & ORS. ETC. Respondent(s)
(With appln(s) for stay and directions and taking additional document on record)

[FOR FINAL DISPOSAL]

WITH

Civil Appeal No. 11331 of 2013

(With appln.(s) for condonation of delay in filing appeal and office report)

[FOR FINAL DISPOSAL]

Civil Appeal NO. 7860-7861 of 2013

(With office report)

[FOR FINAL DISPOSAL]

Civil Appeal No. 11333 of 2013

(With appln.(s) for condonation of delay in filing appeal and office report)

[FOR FINAL DISPOSAL]

Civil Appeal No. 11335 of 2013

(With appln.(s) for condonation of delay in filing appeal and c/delay in re-filing appeal and office report)

[FOR FINAL DISPOSAL]

Civil Appeal No. 11336 of 2013

(With appln.(s) for condonation of delay in filing appeal and office report)

[FOR FINAL DISPOSAL]

Civil Appeal No. 11337 of 2013

(With appln.(s) for condonation of delay in filing appeal and office report)

[FOR FINAL DISPOSAL]

Civil Appeal No. 11339 of 2013

(With appln.(s) for condonation of delay in filing appeal and c/delay in re-filing appeal and office report)

[FOR FINAL DISPOSAL]

Civil Appeal No. 11340 of 2013

(With appln.(s) for condonation of delay in filing appeal and c/delay in re-filing appeal and office report)

[FOR FINAL DISPOSAL]

Date: 13/03/2014 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR
HON'BLE MR. JUSTICE A.K. SIKRI

For Appellant(s)

CA 1376-1385/13 & rr in

CA 11331/13, 7860-61/

2013, 11333/13,

11336/13, 11337/13, 11339/13 & 11340/13	Mr. A. Subba Rao, Adv. Mr. A.T. Rao, Adv.
C.A. 11331/13	Mr. S. Sadasiva Reddy, Adv. Mrs. S. Usha Reddy, Adv.
C.A. 7860-61/13 & 11333/13, 11335/13, 11336/13 & rr in CA 1376-85/13	Mr. Amit Bhandari, Adv. Dr. Abhishek Manu Singhvi, Sr. Adv. Mr. P.S. Patwalia, Sr. Adv. Mr. Gopal Choudhary, Adv. Ms. Liz Mathew, Adv. Mr. M.F. Philip, Adv. for M/s Mclm & Co.
C.A. Nos. 11337/13, 11339/13, 11340/13 & rr in C.A.1376-85/13	Mr. V. Giri, Sr. Adv. Mr. Y. Raja Gopala Rao, Adv. Mr. Challa Gunaranjan, Adv. Ms. Y. Vismai Rao, Adv. Mr. Hitendera Nath Rath, Adv.
For Respondent(s)	Ms. Swapna Seshadri, Adv. Mr. Pramod Dayal, Adv. Mr. Nikunj Dayal, Adv. Ms. Payal Dayal, Adv. Mr. Anand Ganesan, Adv. Mr. K.V. Mohan, Adv. Mr. K.V. Balakrishnan, Adv.
State of A.P.	Mr. G.N. Reddy, Adv. Mr. Debojit, Adv. Mr. M. Bala Shivudu, Adv. Mr. Sidhartha Reddy, Adv. Mr. Mrigank Prabhakar, Adv. Mr. Ejaz Maqbool, Adv.

UPON hearing counsel the Court made the following
O R D E R

CIVIL APPEAL NOS.1376-1385/2013

This order shall be read in continuation of our order dated 11th March, 2014 passed in the above mentioned matters. According to the applicants- respondents, even if they are paid 75% of the amounts due, they would still not be able to meet even the term loan commitments. Therefore, a prayer is made both by Dr. A.M. Singhvi and Mr. P.S. Patwalia, learned Senior Counsel appearing for the applicants-respondents that the respondents be paid at least 75% of the amount due together with interest.

On the other hand, Mr. A. Subba Rao, learned counsel appearing for the appellants has submitted that the appellants are prepared to pay the amounts due to the respondents at the rate of 50% of the amount due. He has also submitted that the appellants, in fact, are not in a position to make any further payment due to financial constraints, especially not during this financial year.

We have considered the submissions made by the learned Senior Counsel appearing for the respondents and Mr. A. Subba Rao, learned counsel appearing for the appellants. We are inclined to accept the submission of Mr. A. Subba Rao to the extent, for the time being, an amount equivalent to 50% of the amount due be released to the respondents. Let the amount be released to the respondents by 28th March, 2014.

Let it also further be recorded that Mr. A. Subba Rao, learned counsel for the appellants, has filed in Court a tabulated statement, indicating the exact 50% of the amount due to each of the developers, including the respondents. Let the list be handed over to the respondents so that the same can be verified by the respondents. In case it is found that the list is in any manner incomplete or incorrect, the respondents shall be at liberty to bring the same to the notice of the appellants.

In case the appellants ultimately succeed in the present appeals, the aforesaid amount, which has been directed to be released to the respondents, can be adjusted against the future bills.

Let these appeals along with all connected appeals be fixed for final disposal on 23rd April, 2014.

|(VINOD LAKHINA)
|COURT MASTER

| |(INDU BALA KAPUR)
| |COURT MASTER

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