

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

Petition(s) for Special Leave to Appeal (Civil) No(s).4 7 6 9 / 2 0 0 5

(From the judgement and order dated 17 / 0 1 / 2 0 0 5 in CM W P No. 5 2 6 0 0 / 2 0 0 4 of
The HIGH COUR T OF JUDIC A T U R E AT AL LA H A B A D)

M/S. VI K A S GRAMUD Y O G SAN S T H A N JA S A D Petitioner(s)

VER SUS

STA T E OF U.P. & ORS. Respondent(s)

(With prayer for interim relief and office report)

Date: 10 / 1 1 / 2 0 0 8 This Petition was called on for hearing today.

CORAM :

HON' B L E Dr. JUS T I C E ARI J I T PA S A Y A T
HON' B L E DR. JUS T I C E MUKUN D A K A M SHA R M A

For Petitioner(s) Mr. Uma Datta, Adv.

For Respondent(s) Mr. Madan Shar m a , Adv.
Mr. Bik a s Kar Gupta, Adv.
Mr. Vijay Ku m a r P a ndita, Adv.
Ms. Asha Upadhayay, Adv.
Mr. R.D. Upadhyay, Adv.

Mr. R. K .Gupta, Adv.
Mr.R ajiv Ku a m r Dubey, Adv.
Mr. Ka mlendr a Mishra ,Adv

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

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

(Shashi Sareen) (Shashi Bala Vij)
Court Master Court Master
(Signed order is placed on the file)

IN TH E SU P R E M E COUR T OF INDI A
CIVI L AP P E L L A T E JU R I S D I C T I O N

CIVI L AP P E A L No. OF 20 0 8
(Arising out SL P (C) No. 4 7 6 9 of 20 0 5

M/S. VI K A S GRA MUD Y O G SAN S T H A N JA S A D ... Appellan
t(s)

Versus

STA T E OF U.P. & ORS. ... Responde
nt(s)

Leave granted.

Challenge in this appeal is to the legality of an order dated 17. 0 1 . 2 0 0 5 directing appellant to deposit a sum of Rs. 4,0 0 , 0 0 0 / - (Rupees Four Lak h s only) within the stipulated time with respondent No. 2 and to make a representation to the said respondent with regard to his grievances within two weeks thereafter and the same was to be decided within a period of three months. The High Court directed that no coercive action shall be taken against the petitioner.

The wri

t
petition was disposed of.

The main grievance of the petitioner is that there is no liability and therefore the question of making any deposit as directed by the High Court does not arise. Since the High Court felt that a representation is to be made to respondent No. 2 and the same was decided, there was no necessity requiring the appellant to make a deposit of Rs. 4,0 0 , 0 0 0 / - .

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In the circumsta nces, and modification of the impugned order of the High Court, we direct that if the representation is made to respondent No. 2 within a period of four weeks, the same shall be disposed of within six weeks from the date of its presentation. In the meanti me, no coercive action shall be taken. However, we make it clear that we have not expressed any opinion on the merits of the case.

The appeal is disposed of accordingly. There shall be no order as to costs.

..... J.
(Dr. ARI J I T PA S A Y A T)

..... J.
(Dr. MUKUN D A K A M SHA R M A)

New Delhi,
November 1 0, 20 0 8 .