

**SECTION: XIV**  
**IN THE SUPREME COURT OF INDIA**  
**CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL Nos. 9799/2010, 9908, 9909, 9910, 7066/2011, 2488, 5162, 7373 and 3150/2012, 686, 4069, 6158, 6982/2013, 5661 AND 10586/2014 AND SLP(C) Nos. 38162 AND 38168/2012, 9843, 17575, 19769, 32157, 15971, 17563, 21357, 23126, 36693, 38174, 10701, 12897, 10014/2013, 721, 9223, 9494, 18149, 24052/2014

And

**Interlocutory Application No. 1**

(Application for directions in SLP(C) No. 10701 and 12897/2013)

National Highways Authority  
of India Etc...

...Appellants

Versus

M/s ITD Cementation India  
Ltd. Etc...

...Respondents

**OFFICE REPORT**

**C.A. No. 9799/2010:**

It is submitted that there is sole respondent in this appeal. Service of Notice of Lodgment of Petition of Appeal is complete on sole respondent and is represented by Mr. R. Satish, Advocate.

It is further submitted that counsel for the respondent has furnished the Bank Guarantee of Rs. 54,07,516/- issue by State Bank of India, Industrial Finance Branch, Andheri, 102 Natraj W.E. Highways Andheri, East Mumbai valid upto 28.02.2015 and kept in safe custody of this Registry. Amount of Rs 51, 98,770/- has been handed over to counsel for the respondent vide Court's Order dated 11.03.2013.

It is also submitted that Counsel for the appellant has filed statement of case. Counsel for the respondent has not filed the statement of case, as per latest amended SCR, 2013 List of date has been filed in this matter. Counsel for the appellant has not filed the affidavit of valuation till date, despite this Registry's request.

..2..

Original Record has been received from the High Court and is available with the Registry for reference of this Hon'ble Court. Civil Appeal is ready for hearing.

**C.A. No. 9908/2011:**

It is submitted that there is sole respondent in this appeal. Service of notice of lodgment of petition of appeal is complete. Sole respondent is represented by Mr. R. Sathish. Advocate.

Original Record has been received from the High Court.

It is submitted that counsel for the parties have not filed statement of case so far.

**C.A. No. 9909/2011:**

It is submitted that there is sole respondent in this appeal.

Service of notice of lodgment of petition of appeal is complete on the sole respondent and is represented by Mr. Satya Mitra Garg, Advocate.

Original Record has been received from the High Court.

It is submitted that counsel for the parties have filed statement of case.

**C.A. No. 9910/2011:**

It is submitted that there are 2 respondents in this appeal.

Service of notice of lodgment of petition of appeal is complete and are represented by Ms. Rachna Srivastava and M/s. Saharya & Co., Advocates respectively.

Original Record has been received from the High Court.

It is further submitted that counsel for respondent No. 1 has filed statement of case but counsel for respondent No. 2 has not filed statement of case so far.

..3/-

**C.A. No. 7066/2011**

It is submitted that there is sole respondent in this appeal.

Service of notice of lodgment of petition of appeal is complete on the sole respondent and is represented by Mr. Devendra Singh, Advocate.

Original Record has been received from the High Court.

It is further submitted that counsel for the appellant has filed statement of case but counsel for the sole respondent has not filed statement of case so far.

**C.A. No. 2488/2012**

It is submitted that there is sole respondent in this appeal and is represented by Mr. R. Sathish, Advocate.

It is further submitted that counsel for the appellant has filed statement of case and the same has been included in appeal paper books. Counsel for the respondent has not filed statement of case so far.

It is lastly submitted that in compliance of orders of this Hon'ble Court dated 04.02.2013, D.D. No. 212991 dated 30.04.2013 has been handed over to Mr. R. Sathish, Advocate for the respondent on 06.05.2013 as he has furnished the Bank Gurantee of the said amount.

Original Record has been received from the High Court and is available with the Registry for kind perusal of this Hon'ble Court.

**C.A. No. 5162/2012:**

The Matter above mentioned was listed before the Hon'ble Court on 5/7/2012, when the Court was pleased to pass the following order:-

**"Leave granted.**

**Hearing expedited.**

**In the meanwhile, the following interim order shall remain operative:**

**The respondent - Hindustan Construction Company Ltd. - is permitted to withdraw the amount of**

Rs. 3,85,59,392/- and Rs. 90,26,067/- deposited by the appellant pursuant to order dated February 24, 2012 subject to its furnishing bank guarantee in the same amount to the satisfaction of the Registrar (J-III) of this Court, and also on furnishing an undertaking that in the event of Appeal being allowed by this Court, the amount so withdrawn shall be restituted by the respondent to the appellant within two weeks of the judgment of this Court along with interest at the rate of 12% per annum from the date of withdrawal of the amount until the date of restitution."

Thereafter, the application for amendment of appeal with office report dated 13th October, 2012 in the appeal above mentioned was listed before the Hon'ble Court on 15/10/2012 , when the Court was pleased to pass the following order:-

*"By agreement of learned senior counsel for the parties, following order is passed:*

1. I.A. No. 2 of 2012 is allowed.
2. The proposed amended memo of appeal annexed to I.A. No.2 of 2012 is taken on record.
3. In the meanwhile, the appellant - Paradip Port Road Co. Ltd. is directed to deposit an amount of Rs. 1,90,86,779/- and an amount Rs. 1,07,24,043.04 with the Registry of this Court within four weeks from today. On depositing the above amount, the operation of the additional award dated September 14, 2010 shall remain stayed.
4. The respondent - Hindustan Construction Co. Ltd. is permitted to withdraw the above amount, that may be deposited by the appellant, subject to its furnishing bank guarantee in the same amount to the satisfaction of the Registrar (J-III) and also on furnishing an undertaking that in the event of appeal being allowed by this Court, the amount so withdrawn shall be restituted by the respondent to the appellant within two weeks of the judgment of this Court along with interest @ 12% p.a. from the date of withdrawal of above amount until the date of restitution.
5. The time to furnish bank guarantee in respect of the previous order dated July 5, 2012 and the present order is extended till November 30, 2012.

*List Civil Appeal No. 5162 of 2012 along with Civil Appeal Nos. 9799 of 2010, 7066 of 2011, 9907 of 2011, 9908 of 2011 and 9909 of 2011 on February 5, 2013."*

It is submitted that accordingly, copy of the amendment application has been placed along with appeal paper books.

Thereafter, I.A.Nos. 3 & 4 in the appeal above mentioned was listed before the Hon'ble Court on 4.1.2013 with an office report dated 3/1/2013, when the Court was pleased to pass the following order:-

**"I.A. No. 3/2012**

Heard.

Delay in depositing the amounts of Rs. 1,90,86,779/- and Rs. 1,07,24,043.04 as per the order dated October 15, 2012 is condoned.

Interlocutory application stands disposed of.

**I.A. No. 4/2012**

Heard.

Interlocutory application is granted in terms of prayer clauses (a), (b) and (c) which read as under :-

"(a) accept the Original Bank Guarantees dated 05.12.2012 for an amount of Rs. 4,75,85,459/- (Rupees Four Crores Seventy Five Lacs Eighty Five Thousand Four Hundred and Fifty Nine) and for an amount of Rs. 2,98,10,822.04 (Rupees Two Crores Ninety Eight Lakhs Ten Thousand Eight Hundred Twenty Two and Four Paise) being Bank Guarantee No. 120126IBGF00612 & Bank Guarantee No. 120126IBGF00613 both dated 05.12.2012 drawn on IDBI Bank Ltd., Mumbai respectively.

(b) accept the original affidavits of undertaking both dated 28.11.2012.

(c) allow the Applicant/Respondent to withdraw the sum of Rs. 4,75,85,459/- & Rs. 2,98,10,822.04 deposited by the Appellant as per the order dated 05.07.2012 & 15.10.2012 of this Hon'ble Court."

Interlocutory application stands disposed of.

**I.A. No. 5/2012**

Heard.

Interlocutory application is granted. Delay in furnishing bank guarantees pursuant to the orders of this Court dated July 5, 2012 and October 15, 2012 is condoned.

**Interlocutory application stands disposed of."**

It is submitted that pursuant to the Court's order quoted above both Bank Guarantees have been deposited in this Registry and payment of Rs. 7,66,22,318 has been done to respondent vide D.D. No. 212766 dated 08.03.2013.

It is further submitted that there is sole respondent in this appeal. Service of Notice of Lodgment of Petition of Appeal is complete on the sole Respondent and is represented by M/s. Parekh & Co., Advocates.

It is lastly submitted that Counsel for the respondent has on 16<sup>th</sup> October, 2012 filed Additional Affidavit and the same has been placed with appeal paper book.

Statement of case has been filed by the parties and are included in appeal paper books.

Original record has been received from the High Court and is available with the Registry for kind perusal for this Hon'ble Court.

**C.A. No. 7373/2012:**

It is submitted that there is sole respondent in this appeal.

Service of notice of lodgment of petition of appeal is complete on the sole respondent and is represented by Mr. Satya Mitra, Advocate.

It is submitted that I.A. No. 2 (Application for directions) in the matter above-mentioned was listed before the Hon'ble Court on 14.03.2014, when the Court was pleased to pass the following order:-

**"In pursuance of the Order dated 5.10.2012, the appellant has deposited the amount with the Registry of the Court which has been invested in a fixed deposit of a Nationalised Bank.**

**Applicant/Respondent has filed this application inter alia praying for withdrawal of the Award amount. Learned Counsel appearing**

for the respondent states that it is willing to give such security as is deemed necessary.

Having heard learned counsel for the parties, we direct that the Award amount be released to the applicant/respondent on its furnishing a Bank Guarantee of the like amount. The said Bank Guarantee shall be kept alive during the pendency of this appeal.

Interlocutory Application No. 2 stands disposed of accordingly."

As directed above, counsel for the respondent has filed the requisite bank Gurantee and the amount of Rs. 87,21,828/- has been handed over to the General Manager of the respondent vide D.D. No. 475568 dated 06.08.2014 on 07.08.2014.

It is further submitted that counsel for the parties have not filed statement of case so far.

Original Record has been received from the High Court and is available with the Registry for kind perusal fo this Hon'ble Court.

**C.A. No. 3150/2012:**

It is submitted that there is sole respondent in this appeal. Service of notice of lodgment of petition of appeal is complete on the sole respondent and is represented by Ms. Abha R. Sharma, Advocate.

Original Record has been received from the High Court.

It is further submitted that counsel for the parties have filed statement of case and the same have been included in appeal paper books.

**C.A. No. 686/2013**

It is submitted that there is sole respondent in this appeal and is represented by Mr. Devender Singh, Advocate.

Service of notice of lodgment of petition of appeal is complete.

Original Record has been received from the High Court.

It is further submitted that counsel for the parties have not filed statement of case.

**C.A. No. 4069/2013**

It is submitted that there is sole respondent in this appeal and is represented by M/S. Parekh & Co, Advocates.

Service of notice of lodgment of petition of appeal is complete.

Original Record has been received from the High Court.

It is further submitted that counsel for the parties have not filed statement of case.

**C.A. No. 6158/2013**

It is submitted that there is sole respondent in this appeal and is represented by Mr. R. Sathish, Advocate. Service of notice of lodgment of petition of appeal is complete.

It is further submitted that counsel for the respondent has on 5<sup>th</sup> December, 2013 filed bank Gurantee of State Bank Of Patiala, Mid Corporate Branch, Abids Circle, Hyderabad-500001 of Rs. 70,65,039/- valid upto 6<sup>th</sup> December, 2014 and letter for renewal for Bank Guarantee has been issued to counsel for the respondent.

It is further submitted that original record has been received from the High Court.

It is also submitted that counsel for the both parties have not filed statement of case despite Registry's letter dated 23.07.2014. List of dates has been filed at SLP stage, hence as per latest amended SCR-2013, Civil Appeal is ready for hearing.

**C.A. No. 6982/2013**

It is submitted that there is sole respondent in this appeal. Service of notice of lodgment of petition of appeal is complete on the sole respondent and is represented through Mr. Devendra Singh, Advocate.

It is further submitted that Original record has been received from the concerned High Court and available with this Court.

It is lastly submitted that Counsel for the parties have not filed the statement of case till date despite Registry's letter dated 25.01.2014. List of dates has been filed at SLP stage and civil appeal is ready for hearing.

**C.A. No. 5661/2014**

It is submitted that there is sole respondent in this appeal.

Service of notice of lodgment of petition of appeal is complete on the sole respondent and is represented by Mr. R. Sathish, Advocate.

Original Record has not been received from the High Court.

**C.A. No. 10586/2014**

It is submitted that the Matter above mentioned was listed before the Hon'ble Court on 24.11.2014, when the Court was pleased to pass the following order:-

**Leave granted.  
List and tag with Civil Appeal No.  
5162/2012 @ SLP(C) No. 5549/2012.**

It is submitted that there is sole respondent in this appeal and is represented by Mr. Devendra Singh, Advocate.

Original record has been awaited from the High Court.

**SLP(C) No. 38162 and SLP(C) No. 38168/2012**

It is submitted that there is sole respondent in these SLPs and are represented by M/s. M. V. Kini & Associates, Advocates. Counter affidavit filed in both the matters have been included in SLP paper books.

Service is complete in both the matters.

**SLP(C) No. 9843/2013**

Pursuant to this Hon'ble Court's order dated 15.3.2013, 5.4.2013, 29.4.2013, 9.5.2013, 5.8.2013, 19.7.2013, 4.10.2013, 22.10.2013, 17.12.2013, 6.1.2014, and 22.9.2014 show cause notice to sole respondent in each SLP (except SLP(C) No. 10014/2013 being adjourned matter) was issued on 14.6.2013, 30.7.2013, 19.8.2013, 30.7.2013, 23.8.2013, 22.10.2013, 6.1.2014, 10.2.2014 and 3.11.2014 respectively by regd. A.D.

Service position of each matter is as under:-

**SLP(C) Nos. 9843, 17575, 19769 and 32157/2013**

It is submitted that the sole respondent in these SLPs are represented by M/s Kinni & Associates, R. Sathish and Ms. Priya Puri, advocates and counter affidavit filed by them have been included in respective paper books.

Service is complete in these SLPs.

**SLP(C) Nos. 15971, 17563, 21357, 23126, and 36693/2013:**

It is submitted that sole respondent in these SLPs are represented by M/s. Devendra Singh, R. Sathish and Chirag M. Shroff , advocates but they have not filed counter affidavit so far.

Service is complete in these SLPs.

**SLP(C) No 38174/2013:**

It is submitted that neither A.D. card nor unserved cover containing notice has been received in respect of sole respondent so far.

Service is not complete.

**SLP(C) Nos. 10701 and 12897/2013:**

It is submitted that sole respondent in both SLP is represented by M/s. P.H. Parekh & Co., advocates. He has filed counter affidavit and reply affidavit to the application for direction in SLP © No. 10701/2013 and both the documents have already been included in SLP paper books.

It is further submitted that I.A. No. 1 application for directions in both the SLPs were listed before the Hon'ble Court on 1.9.2014, when the court was pleased to pass the following order:-

**"I.A. No. 1 will be considered at the time of final hearing of special leave petitions. These matters be listed when connected matter i.e. C.A. No. 9799 of 2010 is ready for final hearing."**

Service is complete in both SLPs.

**SLP(C) No. 10014/2013:**

It is submitted that the matter above mentioned was listed before Hon'ble court on 18.3.2013, when the Court was pleased to pass the following order.

**"List it along with Civil Appeal No. 9799 of 2010 titled National Highways Authority of India Vs. ITD Cementatiton India Ltd."**

**SLP(C) No. 721/2014**

The matter above mentioned was listed before the Hon'ble Court on 06.01.2014 when the Court was pleased to pass the following Order:-

**"Learned counsel for the petitioner states that the issue raised in this Special Leave Petition is identical with the issue raised in S.L.P.C)No.12897/2013. Taking note of the statement so made by learned counsel for the petitioner, we issue notice both on the application for condonation of delay as also on the Special Leave Petition and tag with S.L.P. (C) No.12897/2013."**

It is submitted that as directed above, show cause notice to sole respondent was issued on 16.01.2014 by regd. A.D. Mr. Anirudha P. Mayee, Adv. has on 29.03.2014 filed vakalatnama/appearance as well as counter affidavit. Affidavit filed alongwith counter affidavit is wrong and counsel for the respondent was represented to file the correct affidavit but he has not done the needful.

For non-filing of correct affidavit of the counter affidavit, the matter was listed before the Court of Ld. Registrar on various dates and lastly listed on 26.11.2014, when the Court was pleased to pass the following Order:-

**SLP(C) No.23126/2013**

The sole respondent has failed to file the counter affidavit within the period stipulated under the rules. Viewed thus, the matter shall be processed for listing before the Hon'ble Court as and when the connected ones get ready.

**SLP(C) No.24052/2014**

Mr.Shubhankar Sharma, Ld.counsel appears for the sole respondent. He seeks and is given four weeks time to file the vakalatnama and the counter affidavit.

List again on 10.02.2015.

**SLP(C) No.721/2014**

The office report states that although by order dated 17.10.2014 of this Court, three weeks time as last chance was given to the Ld.counsel for the respondent to cure the defects, whatever found in the counter affidavit filed by him, yet he has not done the needful so far. Viewed in that context, the matter shall be processed for listing before the Hon'ble Judge in Chambers for further future directions. Await orders and list thereafter.

**SLP(C) No.9223/2014 & 9494/2014**

The office report is that the sole respondent has already filed the counter affidavit in both the matters. Viewed thus, the matter shall be processed for listing before the Hon'ble Court as and when the connected ones get ready."

It is submitted that counsel appearing for sole respondent has not filed correct affidavit to the counter affidavit so far. However, the counter affidavit has been placed with SLP paper books.

**SLP(C) No. 9223 and 9494/2014:**

The matters above-mentioned were listed before the Hon'ble Court on 25.04.2014 when the Court was pleased to pass the following order:-

**"Notice.  
Tag with C.A. No. 686/2013."**

It is submitted that as directed above, show cause notice was issued to sole respondent on 06.05.2014 in SLP(C) No. 9223/2014 and on 05.07.2014 in SLP(C) No. 9494/2014 through regd. A.D. post. Ms. Priya Puri, Advocate has filed vakalatnama/appearance on behalf of sole respondent in both the matters as well as separate counter affidavit in both the matters. Counter Affidavit have been included in respective SLP paper books.

Service is complete in both SLPs.

**SLP(C) No. 18149/2014**

The matter above-mentioned was listed before the Hon'ble Court on 01.08.2014 when the Court was pleased to pass the following order:-

**"Issue notice.  
Connect with Special Leave Petition (Civil) No.  
721 of 2014."**

It is submitted that there is sole respondent and is represented by Ms. Priya Puri, Advocate and she has on 18.10.2014 filed counter affidavit. Counter affidavit filed by sole respondent has been included in SLP paper books.

Service is complete.

**SLP(C) No 24052/2014**

It is submitted that counsel for the petitioner has on 13.11.2014 filed affidavit with proof of dasti duly served on sole respondent but no one has entered appearance so far.

Service is complete.

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

DATED THIS THE 1<sup>st</sup> DAY OF DECEMBER, 2014.

**ASSISTANT REGISTRAR.**

**Copy to:**

Mr. K.C. Dua, Adv.  
Mr. R. Sathish, Adv.  
Ms. Momota Devi Oinam, Adv.  
Mr. Satya Mitra Garg, Adv.  
Mrs. Shally Bhasin Maheshwari, Adv.  
M/s. M. V. Kini & Associates, Advs.  
M/s. Parekh & Co., Advs.  
Mr. Devendra Singh, Adv.  
Mr. Kaustubh Anshuraj, Adv.  
Mr. Chirag M. Shroff, Adv.  
Mr. Aniruddha P. Mayee, Adv.  
Mrs. Priya Puri, Adv.  
M/s. Saharya & Co., Adv.  
Ms. Rachna Srivastava, Adv.  
Mr. Satya Mitra, Adv.

**ASSISTANT REGISTRAR.**

**SECTION:XIV**  
**IN THE SUPREME COURT OF INDIA**  
**CIVIL APPELLATE JURISDICTION**

**CIVIL APPEAL Nos. 9799/2010, 9908, 9909, 9910, 7066/2011, 2488, 5162, 7373 AND 3150/2012, 686, 4069, 6158, 6982/2013, 5661 AND 10586/2014 AND SLP(C) Nos. 38162 AND 38168/2012, 9843, 17575, 19769, 32157, 15971, 17563, 21357, 23126, 36693, 38174, 10701, 12897, 10014/2013, 721, 9223, 9494, 18149, 24052/2014**

**And**

**Interlocutory Application No. 1**

(Application for directions in SLP(C) No. 10701 and 12897/2013)

National Highways Authority  
of India Etc...

...Appellants

Versus

M/s ITD Cementation India  
Ltd. Etc...

...Respondents

**COMMON VOL. OF COURT'S RECORD OF**  
**PROCEEDINGS AND OFFICE REPORT**  
**WEF 01/12/2014 ONWARDS.**

<b><u>S.NO.</u></b>	<b><u>PARTICULARS</u></b>	<b><u>PAGE NOS.</u></b>
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