

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

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).6273/2005

(From the interim order dated 17/12/2004 in CWP No. 655/2003 of The
HIGH COURT OF H.P AT SHIMLA)

H.P.STATE FINANCIAL CORPN. LTD.

Petitioner(s)

VERSUS

M/S. ROYAL BISCUITS PVT.LTD.& ORS.

Respondent(s)

(With appln(s) for permission to place addl. documents on record and office report)

Date: 18/07/2006 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.P. SINGH

HON'BLE MR. JUSTICE ALTAMAS KABIR

For Petitioner(s)

Mr. J.S. Attri,Adv.

For Respondent(s)

Mr. Kailash Vasudeo, Sr.Adv.

Mr. Vijay Kumar, Adv.

Mr. Vishwajit Singh,Adv.

UPON hearing counsel the Court made the following

O R D E R

We have heard counsel for the parties at length. We
required them to file

statements before us showing the alleged amount due from the respondents by way of interest and principal. There seems to be considerable dispute with regard to the amount claimed by the petitioner-corporation. It is not possible for us to go into that question.

Counsel for the respondent however, submits that on the basis of their calculation, an amount between Rs.20 to 32 lacs at best, may be payable to the Corporation towards interest and principal.

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Pursuant to the order of the High Court, the respondent had paid a sum of Rs.16 lacs to the petitioner-Corporation subject to its rights and contentions in the pending litigation.

In this view of the matter, we consider it appropriate, in the interest of justice,

if an amount of Rs.15 lacs is paid by the respondents to the petitioner-Corporation

within a period of three months from today, whether in instalments or in one lump sum.

This payment, however, will be without prejudice to the rights and contentions of the parties in the pending proceeding before the High Court.

In case the respondents succeed, the petitioner shall, within a period of three

months from the date of the judgment, refund the amount paid, or the amount paid in excess, as the case may be, to the respondents along with interest at the same rate at which the same has been calculated by the respondents while making the aforesaid payment. With this observation, this Special Leave Petition stands disposed of.

Counsel for the respondents submitted that, with a view to settle the accounts, it would be desirable that an independent person well-versed in accountancy is appointed to examine the accounts submitted by the parties and to give his opinion in the matter. We do not wish to pass any order at this stage, but it is always open to the respondents to make such a prayer before the High Court.

It is stated before us that no bid was received in the auction scheduled to be held on 14th July, 2006. Any further direction may be obtained from the High Court.

(Sukhbir Paul Kaur)
Court Master

(Vijay Dhawan)
Court Master