

LISTED ON 27.11.2013  
BEFORE COURT NO.  
ITEM NO.

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

CIVIL APPEAL NO.5225 OF 2008

KSL & INDUSTRIES LTD. ...APPELLANT  
VERSUS  
M/S. ARIHANT THREADS LTD. & ORS. ...RESPONDENTS

OFFICE REPORT

The matter above mentioned was listed before the Hon'ble Court on 25.08.2008, when His Lordship was pleased to pass the following order:-

"Hon'ble Mr. Justice C.K. Thakker pronounced his judgment in the matter.

**Leave granted.**

The order of the High Court is set aside and the matter is remitted to the High Court to decide it afresh on all points including the conduct of the Company after hearing the parties. All contentions of all parties are kept open.

The appeal is allowed with costs.

Hon'ble Mr. Justice Altamas Kabir pronounced the separate judgment allowing the appeal and setting aside the order of the High Court with costs assessed at Rs.50,000/- without remanding the matter to the High Court.

Although, both the Hon'ble Judges held that the appeal deserves to be allowed and the order of the High Court is to be set aside, in view of the difference of opinion on interpretation of Section 34 of the Recovery of Debts Due to Banks and Financial Institutions Act, 1993, the Registry is directed to place the papers before the Hon'ble the Chief Justice of India for taking appropriate action in accordance with law."

It is submitted that there are five Respondents. Respondent Nos. 1 and 2 are represented through Mr. Ajay Choudhary, Advocate. Respondent Nos. 3 and 4 are represented through Mr. Punit D. Tyagi and Ms. Shalu Sharma, Advocates respectively. Respondent No.5 is served through affidavit of

service but no one has entered appearance on behalf of him.

Service is complete.

The matter above mentioned is listed before the Hon'ble Court with this office report.

DATED THIS THE 26<sup>th</sup> DAY OF November, 2013.

**DEPUTY REGISTRAR**

COPY TO:

1. Ms. suajata Kurdukar, Advocate
2. Mr. Ajay Choudhary, Advocate
3. Mr. Punit D. Tyagi, Advocate
4. Ms. Shalu Sharma, Advocate

**DEPUTY REGISTRAR**

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