

\
SLP(C)No. 6917 OF 2001
ITEM No.34

Court No. 7

SECTION XIV
A/N MATTER

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.6917/2001
(From the judgement and order dated 12/01/2001 in FAO 144/90
of The HIGH COURT OF DELHI AT N. DELHI)

APS STAR INDUSTRIES LTD.

Petitioner (s)

VERSUS

SOMDUTT BUILDERS PVT. LTD. & ANR.

Respondent (s)

(With prayer for interim relief)

Date : 23/11/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SYED SHAH MOHAMMED QUADRI
HON'BLE MR. JUSTICE S.N. VARIAVA

For Petitioner (s) Mr.RP Bhatt,Sr.Adv.
M/s Tasneem Ahmadi,Sangeeta Panicker,
Mecolt Singh,Santosh Dwivedi,Advs.
Mr. Bharat Sangal,Adv.

For Respondent (s) Mr.Sanjay Kapur,Adv.

Mr.L.Nageshwar Rao,Sr.Adv.
Mr. Arvind Minocha,Adv.

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

.....L.....I..T.....T.....T.....T.....T.....T.....J..T....R
.SP2

Heard the learned counsel for the parties.

Inasmuch a finding has been recorded by the learned Single Judge that invocation of the guarantee to make good the alleged losses on the basis of the alleged liabilities of the STAR on account of penalty and/or inter-calibre interest appears to be fraudulent and the Division Bench opined that, as of present, the bank guarantee could not be allowed to be encashed by the appellant, we are of the view that it is not a fit case to interfere with the order under challenge under Article 136 of the Constitution. The S.L.P. is therefore dismissed.

.SP1

[Naresh Kumar]
Court Master

[Kanwal Singh]
Court Master