

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).4194/2007
(From the judgement and order dated 12/02/2007 & order dated
23/02/2007 in Misc.Appln.No.185/2006 in Misc.Appeal No.116/2006 in
O.A.No.277/2000 (Jaipur) of the Debts Recovery Appellate Tribunal, Delhi)

PRATAP RAJASTHAN COPPER FOIL.& LAM.LTD.

Petitioner(s)

VERSUS

RIYA GARMENTS (P) LTD.& ORS.

Respondent(s)

(With prayer for interim relief and office report)
(FOR FINAL DISPOSAL)

WITH SLP(C) NO. 5689 of 2007

(With appln.(s) for permission to place addl. documents on record
and exemption from filing O.T. and recalling the Court's order and permission to
file additional affidavit and office report)
(FOR FINAL DISPOSAL)

Date: 04/03/2009 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.H. KAPADIA

HON'BLE MR. JUSTICE H.L. DATTU

For Petitioner(s) Mr. K.K. Venugopal, Sr.Adv.
Mr. Sudhir Gupta, Adv.
Mr. Amarjit Singh Bedi,Adv.

Mr. Salman Khurshid, Sr.Adv.
Mr. A.D.N. Rao, Adv.

For Respondent(s) Mr. Salman Khurshid, Sr.Adv.
Mr. A.D.N. Rao, Adv.

Mr. Ram Jethmalani, Sr.Adv.
Mr. Ankur Chawla, Adv.
Mr. Jayant Mohan, Adv.
Mr. Rahul Pratap, Adv.
Mr. Saurabh A. Gupta, Adv.
Ms. P.R. Mala, Adv.
Mr. Rajdeep Banerjee, Adv.
Ms. Joyeeta Banerjee, Adv.
Mrs. Manik Karanjawala, Adv.

Mr. K.K. Venugopal, Sr.Adv.

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Mr. Sudhir Gupta, Adv.
Mr. Syed Shahid Hussain Rizvi, Adv.
Ms. Hina Rizvi, Adv.
Ms. Uttara Babber, Adv.

UPON hearing counsel the Court made the following
ORDER

Having heard learned counsel for the parties, we are of the
view that the pending Misc. Appeal No.116/2006 arising from
O.A.No.277/2000 (Jaipur), pending before the Debt Recovery
Appellate Tribunal, Delhi is required to be expeditiously heard and

disposed of before we take any decision on the merits of these Special Leave Petitions.

The Parties are given time of four weeks to complete their pleadings, including filing of any additional documents, before the Appellate Tribunal.

Accordingly, the Appellate Tribunal is directed to hear and dispose of the pending Misc. Appeal within a period of six weeks after completion of the pleadings as stated above.

While disposing of the Appeal, the Tribunal shall take note of the observations/directions made by the High Court in its impugned judgment, which reads as follows:

"It transpired in course of hearing that the appellant has challenged the order of the presiding officer of the recovery Tribunal dated 22.5.2006 before the Appellate Tribunal. In the ordinary course, we should have refrained from making observations which may have bearing on merits of the appeal. However, as the facts relevant to passing of the order dated 22.5.2006 giving rise to the said appeal are somewhat overlapping we perforce had to make observations which, we may clarify, would not cause unnecessary prejudice to the appellant in consideration of its appeal before the Appellate Tribunal on merit."

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We also direct the petitioner herein to implead M/s. Om Metals as party respondent in the pending Appeal.

We express no opinion on the merits of the case. All contentions on both sides are kept expressly open.

These Special Leave Petitions are adjourned to 5th May, 2009 for hearing. On that day, the judgment of the Appellate Tribunal should be placed before us.

It is made clear that except the pending S.L.Ps., no other proceedings will be adopted by either parties against the decision of the Appellate Tribunal. This is because the S.L.Ps. are pending before this Court. Appropriate orders will be passed by us at the final hearing of the S.L.Ps.

Stand over to 5th May, 2009.

(N. ANNAPURNA)
COURT MASTER

(MADHU SAXENA)
COURT MASTER