

ITEM NO.401

COURT NO.3

SECTION XIV

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

I.A. No.22 in C.A. No.3769/1996

BUFFALO TRADERS WELFARE ASSON.

Appellant (s)

VERSUS

U O I &amp; ORS

Respondent(s)

[for intervention]

Date: 27/09/2007 This Application was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASHOK BHAN  
HON'BLE MR. JUSTICE S.B. SINHA  
HON'BLE MR. JUSTICE A.K. MATHUR

For UOI

Mr. B. Datta, ASG  
Mr. T.S. Doabia, Sr. Adv.  
Mrs. Rekha Pandey, Adv.  
Mr. Manpreet Singh Doabia, Adv.  
Mr. D.S. Mahra, Adv.  
Mrs. Anil Katiyar, Adv.

For M.C.D.

Mr. Sanjiv Sen, Adv.  
Mr. Praveen Swarup, Adv.  
Mr. R.K. Singh, Adv.  
Mr. Subhash Bansal, Adv.

D.D.A.

Mr. Vishnu B. Saharya, Adv. for  
M/s Saharya & Co.

For CPCB

Mr. Vijay Panjwani, Adv.

Buffalo Traders  
Assn.Mr. Rajeev Mishra, Adv. for  
M/s. P.H. Parekh & Co., Adv.

for contractor

Mr. Prashant Kumar, Adv.  
Mr. Joseph Pookkatt, Adv.

For State of UP Mr. Shail K. Dwivedi, Addl. Adv.Gen.

Ms. Savitri Pandey, Adv.  
Mr. S. Wasim A.Qadri, Adv.  
Mr. Anuvrat Sharma, Adv.

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I.A. No.22 in C.A. No.3769/1996 .... (Contd.)

UPON hearing counsel the Court made the following  
ORDER

On 25.09.2007, this case was adjourned for today to enable

counsel for the M.C.D. to get instructions as to whether M.C.D. would like to do the cabling from plant and machinery to the panel itself or get it done through the contractor on payment of extra money. In this regard, M.C.D. has filed an affidavit in Court stating therein that the cabling, as aforementioned, has to be done by the contractor as per the original agreement. The said affidavit is taken on record.

Prima facie and without opining on it finally, we find some substance in the submission made by the counsel for the M.C.D. Accordingly, we direct the contractor to complete the cabling from plant and machinery to the panel, which would be subject to the final order passed by us at a later date.

In order to enable the contractor to complete the said work, by way of an interim measure, M.C.D. is directed to pay another sum of Rs.13 crores to the contractor within ten days from today. However, the final price/amount shall be determined by this Court at a later date.

It is made clear that this payment is without prejudice to the rights and contentions of the parties and that no further payment shall be made except by way of interim arrangement. The contractor shall complete the work by 31st December 2007.

Counsel for the M.C.D. has assured us that Effluent Treatment Plant (ETP) which is to be constructed/got constructed by the M.C.D. shall also be completed by 31st December 2007.

Let the matter be listed on 13th November 2007 at 10.30 a.m.

(Subhash Chander)  
Court Master

(Kanwal Singh)  
Court Master