

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

I.A. Nos.22 & 40 in C.A. No.3769/1996

BUFFALO TRADERS WELFARE ASSON.

Appellant (s)

VERSUS

U O I & ORS

Respondent(s)

[For intervention and directions]

Date: 10/09/2008 These Applications were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASHOK BHAN
HON'BLE MR. JUSTICE S.B. SINHA
HON'BLE MR. JUSTICE V.S.SIRPURKAR

For UOI Ms. Rekha Pandey, Adv. for
Mrs. Anil Katiyar, Adv.

For M.C.D. Mr. Sanjiv Sen, Adv. for
Mr. Praveen Swarup, Adv.

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

For CPCB Mr. Vijay Panjwani, Adv.

Buffalo Traders Assn. Mr. Ajay Kr. Jha, Adv.
Miss Divya Sinha, Adv. for
M/s. Parekh & Co., Adv.

For Contractor Mr. Prashant Kumar, Adv.

For State of UP Ms. Savitri Pandey, Adv.
Mr. Vikas Bansal, Adv. for
Mr. Anuvrat Sharma, Adv.

UPON hearing counsel the Court made the following
ORDER

Counsel for the M.C.D. has handed over a cheque bearing
no.891661 dated 09.09.2008 drawn in favour of M/s. Food Processing
Equipments Co. Pvt. Ltd. for a sum of Rs.5,78,79,196/- (Rupees five
crore seventy eight lac seventy

I.A.Nos.22 & 40 in C.A.No.3769/96 (contd.)

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nine thousand one hundred ninety six only) towards part payment of the
cost and another cheque bearing no.891660 of even date in favour of the
contractor for a sum of Rs.46,88,536/- (Rupees forty six lac eighty eight
thousand five hundred thirty six only) towards payment of service tax.

Counsel for the contractor, while accepting these two cheques, says
that the amount of the cost as well as the service tax are much more than
what has been paid today.

An application being I.A.No.41 has been filed on behalf of the
Municipal Corporation of Delhi and an affidavit dated 09 th September 2008
has been filed on behalf of the contractor, viz., M/s. Food Processing
Equipment Company Pvt. Ltd. However, the same have not been circulated.
The same be put on record and be circulated.

To be listed on Tuesday, the 16th September 2008 at 10.30 a.m.

Counsel for the contractor would be at liberty to file reply to the application filed on behalf of M.C.D. and likewise counsel for the M.C.D. would be at liberty to file objections to the aforementioned affidavit filed on behalf of the contractor within this week.

It is stated by Mr. Vijay Panjwani, counsel appearing for Central Pollution Control Board (CPCB) that pursuant to the previous order dated 27th August 2008, officials of the CPCB have inspected the site and an Inspection Report is in the process of being filed. He has produced a copy of the report today in Court. He may file the same in the Registry within this week.

(Subhash Chander)
Court Master

(Savita Sainani)
Court Master