

ITEM NO.301 COURT NO.3 SECTION XIV
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: 24/07/2008 This Appeal 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

Mr. Raju Ramachandran, Sr. Adv.

Mr. Puneet Jain, Adv.

For UOI

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

For M.C.D.

Mr. Mohan Parasaran, ASG
Mr. Sanjiv Sen, Adv.
Mr. Praveen Swarup, Adv.

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

For CPCB

Mr. Vijay Panjwani, Adv.

Buffalo Traders
Assn.

Mr.Ajay Kr. Jha, Adv.for
M/s. Parekh & Co.

For Contractor Mr. Prashant Kumar, Adv.

For State of UP Mr. Shail Kr. Dwivedi, AAG

Ms. Savitri Pandey, Adv.for
Mr. Anuvrat Sharma, Adv.

UPON hearing counsel the Court made the following
ORDER

There is a dispute regarding the total cost of the project. After taking

consent from both the parties, we appoint Mr. Raju Ramachandran, Senior
Advocate to assist us in determining the cost of the project. In all fairness, Mr.

Raju Ramachandran, Senior Advocate stated that he may have appeared in this case
for Union of India on one or two occasions. In reply to this, Mr. Mohan Parasaran,
learned ASG appearing for MCD and Mr. Prashant Kumar, Advocate appearing for
the contractor state that they have full faith in Mr. Raju Ramachandran and they
have no objection for his appointment to assist the court in determining the total
cost of the project. Mr. Puneet Jain, Advocate, who happens to be a Chartered

Accountant also, is appointed to assist Mr. Raju Ramachandran, Senior Advocate. We also appoint one retired Engineer-in-Chief of CPWD (in case of non-availability of Engineer-in-Chief of CPWD then any other Engineer-in-Chief) to be contacted and appointed by Mr. Raju Ramachandran, Senior Advocate to arrive at a total cost of the project incurred by the contractor.

We fix a lump sum fee of Rupees two lakhs for Mr. Raju Ramachandran, Senior Advocate and Rupees one lakh each for Mr. Puneet Jain, Advocate and retired Engineer-in-Chief to be shared by both the parties equally. This fee shall be apart from the administrative expenses which shall also be shared equally by both the parties.

MCD as well as contractor are directed to co-operate with Mr. Raju Ramachandran and his associates in arriving at the total cost of the project. Report be submitted within four weeks from today. It is made clear to both the parties that no objection shall be entertained on the report to be submitted by Mr. Raju Ramachandran and his associates. Mr. Raju Ramachandran is requested to submit three copies of the report with an advance copy to both the parties.

Mr. Prashant Kumar, Advocate appearing for the contractor states that the contractor shall construct the staff quarters within four weeks from today. He also states that as the project is complete, the contractor wants to handover the project to the MCD at the earliest. Contractor is directed to handover the project to MCD on or before 10th August, 2008.

MCD is directed to take over the project and start operation w.e.f. 1 st September, 2008.

Insofar as taxes other than income tax are concerned, we direct the contractor to handover the copy of the receipts of the taxes paid by the contractor to various authorities to MCD within a week with an advance copy to Mr.Mohan Parasaran, learned ASG and MCD shall refund the taxes other than income tax within two weeks from today.

List on 27th August, 2008 at 10.30 a.m.

(Parveen Kr. Chawla)
Court Master

(Kanwal Singh)
Court Master