

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

I.A. Nos.2 2 & 4 0 in C.A. No.3 7 6 9 / 1 9 9 6

B U F F A L O T R A D E R S W E L F A R E A S S O N.

Appellant (s)

V E R S U S

U O I & O R S

Respondent(s)

(for intervention and directions)

Date: 21 / 0 2 / 2 0 0 8 This Appeal was called on for hearing today.

CORAM :

- HON' B L E M R. J U S T I C E A S H O K B H A N
- HON' B L E M R. J U S T I C E S . B . S I N H A
- HON' B L E M R. J U S T I C E A . K . M A T H U R

For UOI Mr. T.S. Doabia, Sr. Adv.for
Ms. Rekha Pa ndey, Adv.for
Mrs. Anil Katiyar, Adv.

For M.C.D. Mr. A.Sha ra n, ASG
Mr. Sanjiv Sen, Adv.
Mr. Praveen Swarup, Adv.

Mr. Vishnu B.S a ha rya, Adv.for
M/s Saharya & Co.

For CPC B Mr. Vijay Pa njwa ni, Adv.

Buffalo Traders Assn. Mr. Rajiv Mishra, Adv. for
M/s. Pa re kh & Co.

for Contractor Mr. Pra s h a n t Kum a r, Adv.

For State of UP Mr. S.W.A.Qadri, Adv.
Ms. Savitri Pa ndey, Adv.for
Mr. Anuvrat Shar m a, Adv.

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

MCD in paras 3 and 4 of its affidavit filed on 1 6 th

Febru a ry, 2 0 0

8 stated as

under:

"3. That the Engineering Department of the MCD has informed that all the works related to air conditioning of Slaughter House, except chillers and ducting have been completed upto 1 0 0 % whereas the work of ducting is complete upto 9 0%. The chillers will be commissioned by the first week of March as the same have reached at Mumbai Port from USA .

4. That in respect of progress works of the fire fighting, being executed by the Engineering Department of MCD, it is humbly submitted that all Fire Pu mp s have been received at site. Major cabling work in slaughter hall and mezzanine floor have been completed. Detector bases have been installed in inspection corridors. The piping work inside the Slaughter House is complete. However,

some of the works related with the fire fighting will be carried out along with the false ceiling work to be done by the Contractor i.e. M/s. Food Processing Equipments Company Pvt. Ltd.

Contractor in his affidavit dated 18th

February, 2008 stated that MCD has

not completed its work and that is why testing could not be done in time. In paras

7 to 10 of the said affidavit, contractor states as under:

"7. That the entire erection of the plant and machinery has been done by the deponent much before the time. However, the Commissioning, testing, calibration and the trials can only be initiated after MCD provides Water Connection and the Main Electrical Connection.

8. That the MCD has to further complete the refrigeration of the chilling rooms, and also to complete the ducting of the outlets in the slaughter hall building.

9. That once all the above works are completed by MCD deponent need minimum two weeks to complete false ceiling and epoxy flooring and thereafter deponent can start the cleaning, greasing, internal testing and calibration of the plant.

10. That the contractor has already issued two letters dated 09.01.2008 and 23.01.08 to MCD to provide the list of the people incharge of different disciplines, to start imparting training according to their respective departments and specialization, but till date no response had been given by the MCD."

Today, Mr. Amreandra Sharana, learned ASG appears for MCD and states

that most of the work have been completed.

This statement of learned ASG is

controverted by the learned counsel appearing for the contractor.

In order to ascertain the rival claims put forth by the MCD and the

contractor, we deem it appropriate to appoint one local commissioner who will visit

the site and submit his report to this court.

Accordingly, we appoint Mr.

L. P. Shrivastava, Chief Engineer, CPWD as local commissioner and he is directed to

visit the site tomorrow i.e. 22nd

February, 2008 at 10.30 a.m. and submit a report

to this Court on or before Monday the 25th

th

February, 2008 to the effect as

to how

much work is completed by the MCD or the contractor and as to how much work is

still to be completed and by whom and whether MCD has provided water as well as

electric connections at the site as per the requirement of the slaughter house.

MCD is directed to depute a responsible officer to take a decision on the

spot at the time of visit of Mr. L. P. Shrivastava, Chief Engineer, CPWD at the site.

We also direct the contractor to remain present at the site tomorrow at 10.00 a.m.

Secretary General of the Registry is directed to communicate this order telephonically to Mr. L. P . S h r i v a s t a v a , Chief Engineer , CP W D and also send a copy of this order by special messenger today itself.

To come up on Tuesday the 26th February, 2008 at 10.30 a.m.

(Parveen Kr. Chawla)
Court Master

(Kanwal Singh)
Court Master