

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: 25/09/2007 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.  
Ms. Madhurima Tatia, Adv.  
Mrs. Rekha Pandey, Adv.  
Mr. R.C. Kathia, Adv. for  
Mrs. Anil Katiyar, Adv.

For M.C.D.

Mr. Sanjiv Sen, Adv.  
Mr. Praveen Swarup, 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. P.H.Parekh, Adv.  
Mr. Ajay Kr. Jha, Adv.  
Mr. Rajeev Mishra, Adv.  
Ms. Pallavi, 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. Anuvrat Sharma, Adv.

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Mr. S. Wasim A.Qadri, Adv.  
Mr. Anil K. Jha, Adv.  
Mr. Anuvrat Sharma, Adv.

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

UPON hearing counsel the Court made the following  
ORDER

A cheque bearing no.589379 dated 13.09.2007 in the sum of Rs.7,83,27,200/- (Rupees seven crore eighty three lac twenty seven thousand two hundred only) drawn on State Bank of India in favour of the contractor, viz., M/s. Food Processing Equipments Co. Pvt. Ltd. has been handed over by Mr. Sanjiv Sen, counsel for the M.C.D. to Mr. Prashant Kumar, counsel for the contractor. This payment has been made in terms of our order dated 18.07.2007.

Counsel for the M.C.D. undertakes to pay all statutory taxes within two weeks in terms of the order dated 18.07.2007.

Counsel for the contractor points out that he would not do the work which is out of the scope of the contract and that the cabling from the plant and machinery to the panel has to be done by the M.C.D. and unless the same is done, the plant cannot be commissioned. He also submits that he is ready to carry out the said work at extra cost.

Counsel for the M.C.D. seeks a short adjournment to get instruction on this point.

Let the matter be listed on Thursday, the 27 th September 2007 at 10.30 a.m.

(Subhash Chander)  
Court Master

(Kanwal Singh)  
Court Master