

ITEM NO.301

COURT NO.5

SECTION XIV

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

IA 22/2004 in CIVIL APPEAL NO. 3769 OF 1996

BUFFALO TRADERS WELFARE ASSON.

Appellant (s)

VERSUS

U O I & ORS

Respondent(s)

(With appln(s) for intervention and office report)

With IA NO.35

(With appln.(s) for impleadment, intervention and directions)

Date: 07/03/2006 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

For UOI

Mr. T.S. Doabia, Sr. Adv.

Mr. Jagjit Singh Chhabra, Adv.

Mrs. Rekha Pandey, Adv.

Mrs Anil Katiyar, Adv.

Mr. K.C. Dua, Adv.

For MCD

Mrs. Amita Gupta ,Adv

Ms. Binu Tamta ,Adv

Mr. Hardeep Singh Anand, Adv.

Ms. Chitra Markandaya ,Adv

For DDA

Mr. Vishnu B. Saharya, Adv.

for M/S Saharya & Co. ,Adv

Mr. S. A. Syed ,Adv

Mr. M.C. Mehta ,Adv

For CPCB

Mr. Vijay Panjwani ,Adv

Mr. Goodwill Indeevar ,Adv

Mr. K.R. Rajasekaran Pillai ,Adv

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Mr. Shrish Kumar Misra ,Adv

Mr. Ashok K. Srivastava ,Adv

Mr. Rajan Narain ,Adv

Mr. Prashant Chaudhary ,Adv

For State of UP

Mr. Kavin Gulati, Adv.

Ms. Savitri Pandey, Adv.

Mr. Rajeev Kumar Dubey, Adv.

Mr. Kamlendra Mishra ,Adv

Ms. Rashami Singh, Adv.

NCR Planning Board

Mrs Sheil Mohini Sethi ,Adv

Mr. Mohd. Tahir Siddiqui ,Adv

Buffalo Traders

Mr. P.H. Parekh, Adv.

Asso.

Mr. Rohit Alex, Adv.

Mr. Rajeev Mishra, Adv.

Mr. Kamal Mohan Gupta, Adv.

Mr. Ashok Kumar Sharma, Adv.

Mr. Ashok K. Mahajan, Adv.

Mr. Irshad Ahmad ,Adv

Mrs. Lalita Kaushik, Adv.

Mrs. Rekha Palli, Adv.

Mr. Vivek K. Tankha, Sr. Adv.

Mr. Rohan Thawani, Adv.

Mr. Prashant Kumar ,Adv

UPON hearing counsel the Court made the following

O R D E R

IA No.35 is allowed.

M/s. Food Processing Equipments Co. Pvt. Ltd. (hereinafter 'the contractor',

for short) is directed to revalidate the bank guarantee for a sum of Rs.10.22 crores

which has already been paid to them. The contractor is further directed to furnish the

2004 (Clause 4) bank guarantee in terms of the agreement dated 25th August, within

seven days. On furnishing such guarantee, the MCD shall release the payment of

Rs.19.78 crores within three days.

Further, the MCD shall place order with the contractor for shipment of the plant and machinery already manufactured. MCD shall further place order with the contractor for the manufacture and despatch of the remaining portion of plant and machinery.

The civil contractor shall immediately start with the civil work to facilitate the installation of the machinery which shall be despatched now as well as for the remaining portion of the plant and machinery which shall be despatched after it is manufactured. MCD has undertaken to make payment to the contractor for civil and electrical work for any outstanding amount as well as for the work to be undertaken now in terms of the contract.

MCD is also directed to complete the other civil/electrical works simultaneously by June 2006 to ensure that the plant is put into operation as per directions issued by this Court earlier.

To come up on 23rd March, 2006 at 10.30 a.m.

(RAVI P. VERMA)

Court Master

(KANWAL SINGH)

Court Master

