

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

RECORD OF PROCEEDINGS

IA 3 & 7 in CIVIL APPEAL NO. 5402 OF 2004

ANIL KUMAR SRIVASTAVA

Appellant (s)

VERSUS

STATE OF U.P. & ANR.

Respondent(s)

(With appln(s) for clarification of court's order dated 20.8.2004 and office report)

Date: 24/01/2007 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASHOK BHAN

HON'BLE MR. JUSTICE S.H. KAPADIA

For Appellant(s)

Ms. Indu Malhotra,Adv.

For Respondent(s)

State of UP

Mr. R.G. Pandia, Sr. Adv.

Mr. Anuvrat Sharma, Adv.

Mr. Sanjay Kr. Singh, Adv.

For the applicant

Mr. Arun Jaitley, Sr. Adv.

Ms. Meghalee Barthapar, Adv.

Mr. Rajan Narain,Adv.

Mr. R.D. Upadhyay ,Adv
Mr. Ravindra Kumar ,Adv
Mr. Raj Singh Rana ,Adv

For R-2 in CA 5402/04 Mr. Ravindra Kumar ,Adv

For IA No.3 & 7 in
CA 5402/04

Mr. Syed Ali Ahmad,Adv.
Mr. Syed Tanweer Ahmad, Adv.
Mr. G.G. Upadhyay, Adv.
Mrs. Vinita G. Upadhyay,Adv.
Mr. R.D. Upadhyay, Adv.
Mr. Awadesh Kumar Singh, Adv.

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UPON hearing counsel the Court made the following

O R D E R

Over and above the bid amount, the petitioners was made to pay a sum of Rs. 2,74,15,735/- for delay payment and a sum of Rs. 59,25,000/- towards penalty for delay in execution of the lease deed. DLF, the applicant herein, paid the said amount 'under protest'.

Applicant has filed the application for recovery of the amount of interest and the penalty paid by the applicant. The counsel for the

respondent states that the sum of Rs, 2,74,15,735/- has been paid back

to the applicant by Cheque No. 612668 dated 6th January, 2007 drawn on

Vijaya Bank, Noida. Amount towards interest stands paid. Amount of

penalty has not been paid.

by Counsel for the applicant submit that the amount deposited

way of penalty should also be refunded.

We are not inclined to opine on the claim of the applicant for the

refund of the amount of penalty and dismiss the present application qua

that amount, reserving liberty with the applicant to take any appropriate

steps in a court of law for the recovery of the said amount.

We dismiss the application as the claim does not fall in the scope

of the litigation.

sk (Neeru Bala Vij)

Court Master