

C.A.No. 83 OF 1998

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 83 OF 1998

AMIT RICE MILL (P) LTD. APPELLANT

VERSUS

STATE OF UTTARANCHAL & ORS. RESPONDENTS

O R D E R

Heard learned counsel for the parties.

Looking to the facts and circumstances of the case and the discussion made by the High Court in the impugned order, it is appropriate that the impugned order is set aside and the matter is remitted to the High Court for fresh consideration, dealing with the specific contentions raised on either side. The High Court is expected to consider the respective contentions in regard to the demand made by the respondents under the heads 'expenses' and 'interest'. Unfortunately, in the impugned order, the High Court did not refer to these contentions and did not discuss and record the finding as to whether the appellant was liable to pay 'expenses' and 'interest', as claimed by the respondents.

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In this view, as already indicated, we set aside the impugned order. The appeal is allowed and the matter is remitted to the High Court for disposal afresh on merits in the light of what is stated above. No costs.

The Bank Guarantee furnished by the appellant shall be kept current and alive till the disposal of the writ petition by the High Court.

.....J.
(SHIVARAJ V. PATIL)

New Delhi, (D.M. DHARMADHIKARI)J.
September 25, 2003.
ITEM NO. 107 COURT NO.8 SECTION XI

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

CIVIL APPEAL NO. 83 OF 1998

AMIT RICE MILL (P) LTD. .. APPELLANT

VERSUS

STATE OF UTTARANCHAL & ORS. .. RESPONDENTS
(With office report)

DATE: 25/09/2003 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SHIVARAJ V. PATIL
HON'BLE MR. JUSTICE D.M. DHARMADHIKARI

For appellant (s)Mr. Dinesh Dwivedi, Sr.Adv.
Mr. Prashant Kumar, Adv.
Ms. Pooja Dhar, Adv.
Mr. joseph Pookkatt, Adv.

For respondent (s)Mr. Avatar Singh Rawat, Addl.Adv.Gen.,
Uttaranchal
Mr. J.K. Bhatia, Adv.

Upon hearing counsel the Court made the following

O R D E R

Mr. Dinesh Dwivedi, learned Senior counsel for the appellant started his arguments at 2.30 p.m . and concluded at 3.00 p.m. Thereafter, Mr. Avatar singh, learned Additional Advocate General for the State of Uttaranchal made his submissions for 15 minutes. The appeal is allowed in terms of the signed order. No costs. The Bank Guarantee furnished by the appellant shall be kept current and alive till the disposal of the writ petition by the High Court.

Sarita(Shelly Sengupta)

Court Master

(Signed order is placed on the file)