

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).5351/2007

(From the judgement and order dated 16/12/2006 in WP Misc. No. 1417/2006
of the HIGH COURT OF UTTARANCHAL AT NAINITAL)

STATE I.DEV.CORP.UTTARANCHAL LTD.& ORS.

Petitioner(s)

VERSUS

M/S. JYOTI INDUSTRIES

Respondent(s)

(With prayer for interim relief and office report)

(FOR FINAL DISPOSAL)

WITH

SLP(C) NO. 5379 of 2007

(With appln. for directions and with prayer for interim relief
and office report)

(FOR FINAL DISPOSAL)

SLP(C) NO. 5382 of 2007

(With appln(s). for vacatin and modification of interim order
dated 30.03.2007/04.04.2007 and exemption from filing O.T. and
with prayer for interim relief and office report)

(FOR FINAL DISPOSAL)

SLP(C) NO. 5698 of 2007

(With appln(s). for directions and vacation of ex-parte stay and
permission to file addl. documents and with prayer for interim
relief and office report)

(FOR FINAL DISPOSAL)

SLP(C) NO. 7513 of 2007

(With prayer for interim relief and office report)

(FOR FINAL DISPOSAL)

SLP(C) NO. 8862 of 2007

(With prayer for interim relief and office report)

SLP(C) NO. 8866 of 2007

(With prayer for interim relief and office report)

SLP(C) NO. 8863 of 2007

(With prayer for interim relief and office report)

Date: 01/08/2007 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.B. SINHA

HON'BLE MR. JUSTICE H.S. BEDI

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For Petitioner(s)

Mr. Sudhanshu Dhulia, Sr. Adv.

Mr. Vinay Garg, Adv.

Mrs. Deepam Garg, Adv.

Mrs. Renu Chaudhary, Adv.

Mr. Vinay Garg, Adv.

For Respondent(s) Ms. Priya Kumar, Adv.

for M/S. Khaitan & Co.,Adv.

Mr. Ajit Kumar Sinha,Adv.
Mr. Pankaj Bhagat,Adv.
Mr. Devashish Bharukha,Adv.
Mr. Nikilesh Ramachandran,Adv.

Mr. Jitendra Mohan Sharma,Adv.

Mr. Maninder Acharya,Adv.
Mr. Nikhilesh R.,Adv.

Mr. V.B. Joshi,Adv.

Mr. Sarvesh Bisaria,Adv.
Mr. Anand Parkash,Adv.
Mr. Anil Nag,Adv.

Ms. Meera Mathur,Adv.

UPON hearing counsel the Court made the following
ORDER

Leave granted in all the SLPs.
Heard the learned counsel for the parties. The appeals are
disposed of with directions and observations as contained in the signed
order.

(A.S. BISHT)
COURT MASTER

(PUSHAP LATA BHARDWAJ)
COURT MASTER

(Signed order is placed on the file)
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 3402 OF 2007
[Arising out of SLP(C) No.5351/2007]

STATE INDUSTRIAL DEVELOPMENT ... APPELLANT(S)
CORPORATION OF UTTARANCHAL LTD. AND ORS.

:VERSUS:

M/S. JYOTI INDUSTRIES ... RESPONDENT(S)

WITH

CIVIL APPEAL NO. 3403 OF 2007
[Arising out of SLP(C) No.5379/2007]

CIVIL APPEAL NO. 3407 OF 2007
[Arising out of SLP(C) No.5382/2007]

CIVIL APPEAL NO. 3409 OF 2007
[Arising out of SLP(C) No.5698/2007]

CIVIL APPEAL NO. 3404 OF 2007
[Arising out of SLP(C) No.7513/2007]

CIVIL APPEAL NO. 3405 OF 2007
[Arising out of SLP(C) No.8862/2007]

CIVIL APPEAL NO. 3406 OF 2007
[Arising out of SLP(C) No.8866/2007]

CIVIL APPEAL NO. 3408 OF 2007
[Arising out of SLP(C) No.8863/2007]

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ORDER

Leave granted in all the SLPs.

Having heard the learned counsel for the parties, we are of the opinion that for doing complete justice to the parties, the order of the High Court should be set aside and following directions be issued:

(1) Each of the entrepreneurs who were respondents before us, shall file independent representation before the Managing Director of the appellant-Corporation within two weeks from date questioning the legality or validity of the order of cancellation of allotment and/or for restoration of the properties, as the case may be.

(2) The Managing Director of the appellant-Corporation shall hear the parties or their authorized representative, within two weeks thereafter. It will be open to the entrepreneurs to produce such evidence or evidences before the said authority as they may intend to do.

(3) The Department may also produce their evidences before the said authority.

(4) If found necessary, the Managing Director may inspect the site himself or cause it to be inspected by some other duly authorized officer in this behalf.

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(5) The Managing Director shall pass appropriate speaking order in each case separately, within six weeks from the date of filing the respective representations.

(6) It will be open to the concerned entrepreneurs also to point out that in their cases, either possession had not been handed over or the lease deed/transfer deed had not been executed.

(7) Status quo in respect of the properties shall be maintained by the parties in the meantime.

The appeals are disposed of with the aforementioned directions
and observations.

.....J
(S.B. SINHA)

.....J
(H.S. BEDI)

NEW DELHI,
AUGUST 1, 2007.