

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

Civil Appeal No. 8666 of 1997

M/S. ALOK UDYOG Appellant (s)

VERSUS

U.P.S.I.D.C. & ORS. Respondent (s)

(With appln.(s) for directions and 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. DHARMADHIKARIFor Appellant (s)Mr. Rajiv Dutta,Sr.Adv.
Mr. Pradeep Kumar Bakshi,Adv.
Mr. Rajat Navet,Adv.

For Respondent (s)Mr. Shrish Kumar Mishra,Adv.

M/s. Manoj Swarup & Co.,Advs. (N/P)

Mr. Manoj Goel,Adv.
Mr. Shuvodeep Roy,Adv.
Mr. Brij Bhusan,Adv.Mr. Sudhir Kulshreshtha,Adv.
Mr. Abhisar Chaudhary,Adv.UPON hearing counsel the Court made the following
O R D E R

Heard the learned counsel for the parties for a while.

Interlocutory application is disposed of.

The civil appeal is disposed of.

No costs.

[T.I. Rajput][Shelly Sengupta]
Court Master Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.8666 OF 1997

M/s. Alok Udyog ...Appellant(s)

Versus

U.P.S.I.D.C. & Ors. ...Respondent(s)

O R D E R

An industrial plot was allotted to the appellant by the respondents. Subsequently, the allotment was cancelled on account of certain defaults alleged to have been committed by the appellant. The appellant filed a writ petition in the High Court challenging the action of the respondents cancelling the allotment made. The High Court dismissed the writ petition. Hence, this is appeal.

The learned counsel for the parties submitted that during the pendency of the appeal, certain developments have taken place. The respondents offered allotment of an alternate plot to the appellant without prejudice to the rights and contentions. The appellant accepted the said offer made by the respondents. There is no dispute between the parties that the alternate plot bearing Nos. E-4 to E-6, measuring 3000 sq. meters in Industrial Area, Udyog Kunj, Ghaziabad, has been allotted. It is clear from the letter

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of the appellant to the respondents dated 13th February, 2001 that the appellant has agreed for payment of price for the plot as is indicated in paragraph (2) of the said letter. The learned counsel for the parties submit that in view of this position, we may not examine the merits of the respective contentions but dispose of the appeal in view of the developments aforementioned, namely, the allotment of alternate plot to the appellant. However, there is some minor controversy as to the demand of interest on the balance premium which was to be paid by the appellant to the respondents. In our view, having regard to the facts and circumstances of the case, the respondents need not insist for interest on the balance premium amount, as indicated in their letter dated 10th July, 1998.

The civil appeal is, accordingly, disposed of.

It is needless to state that the interim order passed by this court stands vacated in view of the disposal of the appeal.

No costs.

.....J.
[SHIVARAJ V. PATIL]

.....J.
[D.M. DHARMADHIKARI]

New Delhi,
September 25, 2003.