

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

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).8241/2005

(From the judgement and order dated 05/04/2005 in WP No.9104/2004
of the HIGH COURT OF BOMBAY)

M/S. KONARK INFRASTRUCTURE PVT. LTD.

Petitioner(s)

VERSUS

STATE OF MAHARASHTRA & ANR.

Respondent(s)

(With appln(s) for exemption from filing c/c of the impugned Judgment and prayer for interim relief and

office report))

Date: 02/05/2005 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE P. VENKATARAMA REDDI

HON'BLE MR. JUSTICE A.K. MATHUR

For Petitioner(s)

Mr. R.F. Nariman, Sr.Adv.

Mr. Gaurav Agrawal,Adv.

Mr. Prashant Kumar,Adv.

For Respondent(s)/

Mr. Harish N. Salve, Sr.Adv.

Caveator

Mr. Shivaji M. Jadhav,Adv.

Mr. Himanshu Gupta,Adv.

Mr. Brij Kishor Sah,Adv.

UPON hearing counsel the Court made the following

O R D E R

Leave granted.

The appeal is disposed of in terms of 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.2987 OF 2005

[Arising out of S.L.P.(C) No.8241 of 2005]

M/S. KONARK INFRASTRUCTURES PVT. LTD.
PPELLANT(S)

..... A

:VERSUS:

STATE OF MAHARASHTRA AND ANR.
SPONDENT(S)

..... RE

O R D E R

Leave granted.

Learned counsel for the respondents has appeared on caveat. We have heard the learned counsel on both the sides. We are of the view that as the matter is yet to

be decided finally by the High Court and it appears that the matter has been

adjourned on the representation of the parties, we are not inclined to express any

view at this stage in regard to the quantum of amount which the appellant shall be liable to pay. However, by way of an interim measure, in modification of the order of the High Court, we consider it just and proper to direct that the appellant shall pay to Ulhasnagar Municipal Corporation a sum of Rs.31,00,000/- (Rupees Thirtyone

Lakhs) within a period of four weeks. The High Court may dispose of the matter expeditiously and without being influenced by the observations made in the

impugned order. We further direct that in case the appellant succeeds in the

proceedings before the High Court by virtue of which the whole or part of the aforementioned amount is to be refunded, the same shall be refunded by the respondent-Corporation within a period of four weeks from the date of disposal of the matter.

The appeal is disposed of accordingly.

.....J
(P.VENKATARAMA REDDI)

.....J
(A.K. MATHUR)

NEW DELHI;

MAY 02, 2005.