

ITEM NO.103

COURT NO.12

SECTION IV

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(s). 3546/2008

SAPNA MITTAL

Appellant(s)

VERSUS

PUNJAB S.I. &amp; EXPORT CORPN.LTD. &amp; ORS.

Respondent(s)

(with interim relief and office report)

Date : 27/04/2017 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA

HON'BLE MR. JUSTICE AMITAVA ROY

For Appellant(s) Mr. Bimal Roy Jad, Adv.

Mr. Naresh Kumar, Adv.

Mr. Swami Nath, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following  
O R D E RThe appeal stands disposed of in terms of the  
signed order.(NEELAM GULATI)  
COURT MASTER(TAPAN KR. CHAKRABORTY)  
COURT MASTER

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No(s). 3546 OF 2008

SAPNA MITTAL

Appellant(s)

VERSUS

PUNJAB S.I. & EXPORT CORPN.LTD. & ORS. Respondent(s)

O R D E R

The appeal arises out of the Interim order passed by the High Court of Punjab and Haryana at Chandigarh in the pending writ application. The High Court had passed the following order:

"In the circumstances, the Civil Miscellaneous Application is partly allowed and the order of the National Commission (Respondent No.1) ordering the refund of the enhanced additional price paid by respondent no.4 to the extent of Rs.594/- per sq. yard is stayed. However, Civil Miscellaneous Application is dismissed to the extent that interest @ 10% from 13.7.1999 to 11.8.2003 has been ordered to be paid to respondent no.4."

In view of the fact that this is an interim order only and the writ application stated to be pending, at present learned counsel appearing for the appellant has raised the question of maintainability of the Writ application as against

the order passed by the National Consumer Disputes Redressal Commission, New Delhi (in short 'the National Commission') on 02.02.2005. And he has also contended that the High Court ought not to have stayed the decision of the National Commission. Be that as it may, the aforesaid question, we are not inclined to make interference with the interim order. However, we request the High Court to decide the writ application on merits including the question of maintainability within a period of three months after hearing the parties.

Interim order passed by this Court on 9.5.2008 is modified to the aforesaid extent.

We make it clear that in case the pending petition is dismissed by the High Court, the respondent shall execute the lease deed within one month of the dismissal of the petition.

The appeal stands disposed of.

.....J.  
(ARUN MISHRA)

.....J.  
(AMITAVA ROY)

NEW DELHI;  
APRIL 27, 2017