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C.A.No. 6006 OF 2001

ITEM No.34

Court No. 7

SECTION XII

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

I.A. 2-3 in  
Civil Appeal No.6006/2001@@  
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H.P.A. INTERNATIONAL

Appellant (s)

VERSUS

BHAGWANDAS FATECHAND DASWANI & ORS.

Respondent (s)

(for clarification/ modification and directions and exemption  
from filing OT and office report )

With  
SLP(C) 261/2002  
(With office report)

Date : 11/01/2002 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SYED SHAH MOHAMMED QUADRI  
HON'BLE MR. JUSTICE S.N. VARIAVA

For Appellant (s) Mr. K Parasaran, Sr. Adv.  
Mr. V. Balachandran, Adv.

For Respondent in Mr. Soli J Sorabjee, AG  
appeal and for Mr. Jayesh Dalia, Adv.  
petitioner in Mr. Amit Dhingra, Adv.  
SLP(C) 261/02 Mr. P.H. Parekh, Adv.

UPON hearing counsel the Court made the following  
O R D E R

.....L.....I.....T.....T.....T.....T.....T.....T.....J  
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I.A. No. 2 in C.A. 6006 of 2001@@  
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Heard Mr. K Parasaran, learned Senior counsel  
for the appellant and Mr. Soli J. Sorabjee, learned  
Attorney General for the respondent.

This is an application for clarification/  
modification of this Court's order dated 27th August,  
2001. After some arguments, learned counsel for the

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parties have handed over consent terms. Accordingly,  
in modification of this Court's order dated 27th  
August, 2001 and without prejudice to the contentions  
of the either side and subject to proper accounting by  
both parties, pending disposal of the appeal, we pass

the following order:

.....L.....I.....T.....T.....T.....J.....

1. The balance amount of Rs. 17,82,667/- towards money decree should be paid to Respondent Nos. 1 to 5 by the appellant within four weeks from this date subject to TDS for the period May, 2001 to December, 2001.

2. The appellant shall deposit into court the future rents collected by it after deducting the tax and maintenance charges pending the appeal and respondent Nos. 1-5 are allowed to withdraw the amount without furnishing security.

3. The appellant agrees that it will not complete the construction on the first and second floors of the building till the final disposal of the appeal. The appellant undertakes to provide to respondent Nos. 1 to 5, the breakup of expenses incurred for the period 13.01.2000 to October, 2001. The appellant undertakes to obtain the ...3/-

3. disclaimers for the TDS Certificate issued in their favour for the period December, 1994 till this date.

4. All the tax receipts paid by the appellant shall be handed over to respondent Nos. 1 to 5.

5. The appellant will initiate fair rent proceedings against both the existing tenants, namely, State Bank of Travencore and Raymonds.

6. The appellant to hand over vacant possession of portion of the basement occupied by tailors, to respondent Nos. 1 to 5 within four weeks.

I.A. No. 2 is disposed of accordingly.  
I.A. No. 3@@  
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.....L.....I.....T.....T.....T.....T.....T.....T.....J

Exemption from filing Official Translation of Annexure D is granted.  
SLP(C) 261 of 2002@@  
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Leave is granted.  
Tag with Civil Appeal No. 6006 of 2001.

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(Kanwal Singh)  
Court Master

(Kanchan Jain)  
AR-cum-PS