

¾  
SLP(C)No. 10306-10308 OF 2001  
ITEM No.31

Court No. 5

SECTION XIV  
A/N MATTER

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

Petition(s) for Special Leave to Appeal (Civil) No.10306-10308/2001

(From the judgment and order dated 25/05/2001 in FAO 247, 248 and 249 of 2001 of The HIGH COURT OF DELHI AT N. DELHI)

SPECTRUM TECHNOLOGIES USA INC.

Petitioner (s)

VERSUS

SPECTRUM POWER GENERATION CO. LTD. & ORS  
(With prayer for interim relief)

Respondent (s)

With

SLP(C)No.19193/2001  
( With prayer for interim relief )

SLP(C)No.11483-11485/2002  
( With prayer for interim relief )

Date : 10/09/2004 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.N. VARIAVA  
HON'BLE MR. JUSTICE H.K. SEMA

For Petitioner (s)Dr. A.M.Singhvi, Sr.Adv.  
In SLP 11483-85/02Mr. Gopal Jain, Adv.  
Ms. Vanita Bhargava, Adv.  
Ms. Rakhi Ray, Adv.

Ms. Bina Gupta,Adv.

For Petitioner (s)Mr. Gopal Jain, Adv.  
In SLPs 10306-08/01Ms. Rakhi Ray, Adv.  
& 19193/01 Ms. Vanita Bhargava, Adv.  
Ms. Bina Gupta, Adv.

For Respondent (s)Mr. Manu Nair, adv. for  
M/s Suresh A. Shroff & Co.

Mr. Narinder Verma, Adv.  
Mr. Sanjai Pathak, Adv.

Mr. Prashant Bhushan,Adv.

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

SLP(C) Nos.10306-10308/2001, 19193/2001

Learned counsel for the Petitioners states that he is not pressing these Special Leave Petitions. The Special Leave Petitions are dismissed as not pressed.

SLP(C) Nos.11483-11485/2002.

Leave granted.

The Appeals stand dismissed in terms of the signed order with no order as to costs.

(K.K. Chawla)  
Court Master

(Jasbir Singh)  
Court Master

[Signed order in SLP(C) Nos.11483-11485/2002  
is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. \_\_\_\_\_ OF 2004  
(ARISING OUT OF SLP (C) NOS.11483-11485 OF 2002)

SPECTRUM TECHNOLOGIES USA INC. Appellant (s)

VERSUS

JAYA FOOD INDUSTRIES PVT. LTD. & ORS. Respondent (s)

O R D E R

Leave granted.

By interim application the Appellant had merely prayed for stay of payment by the Respondent Company to NTPC under an agreement between those two parties. While granting the interim relief, the Single Judge called upon one of the Directors (Mr. M. Kishan Rao) to give bank guarantees in respect of the payments made. The Division Bench, in the Appeal, has deleted that portion.

As in the application made by the Appellant there was no prayer for furnishing any security, no fault can be found with the order of the Division Bench. The Appeals will accordingly stand dismissed with no order as to costs.

However, we clarify that this dismissal will not preclude the Appellant from filing a fresh application for appropriate prayers including a prayer that security be furnished. Such an application, if made, will be disposed of on its own merits without being influenced by any observations made by the Single Judge or the Division Bench in these proceedings.

.....J.  
(S.N. Variava)

.....J.  
(H.K. Sema)  
New Delhi;  
September 10, 2004.