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SLP(C)No. 8478 OF 2003
ITEM No.36

Court No. 2

SECTION IX

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.8478/2003
(From the judgement and order dated 16/04/2003 in WP 553/03
of The HIGH COURT OF BOMBAY)

O.N.G.C. LTD.

Petitioner (s)

VERSUS

M/S. ELCOME SURVEYS PVT. LTD. & ORS.

Respondent (s)

(With prayer for interim relief)
(With Appln(s). for exemption from filing c/c of the impugned Judgment
& permission to place addl. documents on record)

Date : 09/05/2003 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAJENDRA BABU
HON'BLE MR. JUSTICE G.P. MATHUR

For Petitioner (s) Mr. Soli J Sorabjee, A.G.
Mr. K.R. Sasiprabhu, Adv.
Ms. Anuradha Bindra, Adv.

For Respondent (s) Mr. C.S. Vaidyanathan, Sr. Adv.
Mr. O.P. Gaggar, Adv.

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

.....L.....I.....T.....T.....T.....T.....T.....T.....J.....
.SP2

.SP1

Charanjit

[Om Prakash]
Court Master

L.....T.....T.....T.....T.....T.....T.....T.....T.....T.....R

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2003@@
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(arising out of SLP(C) 8478/2003)

O.N.G.C. Ltd. ...Appellant

Versus

M/s Elcome Surveys Pvt. ...Respondents
Ltd. & Ors.

O R D E R

.....L.....I.....J
.SP3

Leave gratted.

This appeal arises out of an order made by the High Court at the interlocutory stage. While dealing with the writ petition filed before it in relation to award of a contract, the High Court made it clear that the respondents herein shall file an undertaking to compensate the appellant herein in the event the petition is dismissed and the Court fixes such responsibility upon the respondents herein. If the Court felt that it was appopriate to compensate one party or the other, the same condition could have been imposed upon the appellant as well. Therefore, we think the appropriate direction would be to direct the respondents to give an undertaking to compensate the appellant in the event their writ

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petition is allowed. If any work has not been entrusted to respondent No. 2, even at the time of disposal of the writ petition the High Court may consider whether the same should be awarded to respondent No. 1. The compensation shall be computed by the High court itself and the same be awarded to the party concerned. Interim order granted by the High court stand modified accordingly.

Considering the circumstances of the case, it would be appropriate for the High court to disposes of the writ petition as expeditiously as possible. The appeal is disposed of accordingly.

.SP1

.....J
[S. RAJENDRA BABU]

.....J0
[G.P. MATHUR]

New Delhi,
May 9, 2003