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SLP(C)No. 10926 OF 2001

ITEM No.54

Court No. 4

SECTION XVI
A/N MATTER

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.10926/2001

(From the judgement and order dated 22/06/2001 in CAN 4657/2001
of The HIGH COURT OF CALCUTTA)

INDIAN IRON & STEEL CO. LTD.

Petitioner (s)

VERSUS

G.S.ATWAL & CO.(ENGINEERS) PVT. LTD.

Respondent (s)

(With prayer for interim relief & O.R.)

Date : 29/10/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.B. PATTANAİK
HON'BLE MRS. JUSTICE RUMA PAL

For Petitioner (s) Mr.H.N. Salve,SG
M/s.Sunil Kumar Jain,Vijay Hansaria and
Manish Kumar,Advs.for
M/s Jain Hansaria & Co.,Adv.

For Respondent (s) Mr. Gopal Subramaniam,Sr.Adv.
M/s.L.K.Bhushan,K.G.Gopalakrishna and
Mrs. Shiraz Contractor Patodia,Advs

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

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

Leave granted.
The appeal is disposed of.

.SP1

(Y.P.Dhamija) (Suneet Bala Sharma)@@
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Court Master Court Master@@
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Signed order is placed on the file.

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.7353/2001@@
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(arising out of SLP(C) No. 10926/2001)

Indian Iron & Steel Co. Ltd. ...Appellant

Vs.

G.S.Atwal & Co.(Engineers)Pvt.Ltd. ...Respondent

O R D E R@@
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.....L.....I.....T.....T.....T.....T.....T.....T.....T.....J
.SP2

Leave granted.

Heard the learned Solicitor General for the appellant and Mr. Gopal Subramaniam, Sr. Adv. for the respondent. The First Appeal FMAT No. 1646/2001 is pending disposal before the Calcutta High Court. During the pendency of the appeal the impugned order has been passed. Having heard the learned counsel for the parties, we are of the considered opinion that the High Court completely erred in passing the impugned order. We therefore set aside the impugned order of the Division Bench of Calcutta High Court dated 22.6.2001. The High Court is requested to dispose of the appeal at an early date. This order of ours is without prejudice to the contention of the parties as to the maintainability of the appeal before the High Court.

The appeal is disposed of accordingly.

.SP1

.....J.
(G.B. PATTANAIAK)@@
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New Delhi,
October 29, 2001

.....J.@@
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(RUMA PAL)@@
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