

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. (S).8250 OF 2014
(Arising out of SLP(C) NO.10801 of 2012)

MUMBAI INTERNATIONAL AIRPORT P.LTD. Appellant(s)

VERSUS

KRISHNA DEVELOPERS PVT.LTD. Respondent(s)

WITH

CIVIL APPEAL NO. (S). 8251 OF 2014
(Arising out of SLP(C) NO.27409 of 2012)

O R D E R

Leave granted.

These cross appeals arise out of a common order whereby the High Court of Judicature at Bombay has partly allowed W.P. No.9342 of 2010 while dismissing W.P. No.10074 of 2010. The High Court has in W.P.No.9342 of 2010 issued the following directions:

- "(i) The impugned order is modified by directing that the Defendant shall deposit the amount at the rate of Rs.59,47,130/per month from 1st June, 2009 till 15th December, 2010 i.e. date of expiry of the lock-in-period and notice period. While depositing the compensation amount in terms of this order, the Defendant will be entitled to adjust the security deposit of Rs.7,13,65,560.
- (ii) Time of three months from today is granted to the Defendant to depositeit the amount as aforesaid with the Trial Court or the Appellate Court.
- (iii) After the amount is depositeit, the same shall be invested in a Fixed Deposit till the

final disposal of the suit.

(iv) The observations made in the judgment are prima facie observations and all issues on merits are kept open at the time of final hearing of the suit.

(v) The rest of the impugned order stands confirmed.

(vi) There will be no order as to costs."

When the matter came up for hearing before us on 9th November, 2012, we had directed the defendant-licensee to deposit the differential amount of Rs.11,00,00,000/- (Rupees Eleven Crores) inclusive of the amount of Rs.7,13,65,560/- (Rupees Seven Crores Thirteen Lakhs sixty five thousand and five hundred sixty) already lying in deposit with the respondent as security. The deposit was to be made with the trial court failing which civil appeal arising out of SLP(C) No.10801 of 2012 was to stand dismissed without any further reference to the court.

We are told by Mr. Pallav Sisodia, learned senior counsel appearing for the defendant-licensee that the above direction of this Court has already been complied with and the defendant-licensee has deposited with the trial court a sum of Rs.3,86,34,440 (Rupees three crores eighty six lakhs thirty four thousand and four hundred forty) which make to a total of Rs.11 crores inclusive of the security amount lying in deposit with the owner-licensor. He submits that with the said deposit the entire amount which directed to be deposited

by the High Court, stands deposited. He contends that since the arrangement made by the High Court is temporary in nature, the order passed by the High Court could be affirmed with a direction to the small causes court for early hearing and disposal of the suits pending before it.

Mr. Shekhar Naphade, learned senior counsel appearing for the owner-licensor, has no objection to a direction on the above lines being issued by this Court.

In the circumstances and keeping in view the fact that the defendant-licensee has complied with the direction issued by the High Court as modified by this Court in terms of our Order dated 9th November, 2012, these appeals can indeed be disposed of with a direction to the trial court concerned to expeditiously hear and dispose of the suits pending before it, leaving all the contentions open to be urged at the appropriate stage. We order accordingly. The trial court may endeavour to dispose of the suits pending before it as early as possible and preferably within one year from today. No costs.

.....J
(T.S. THAKUR)

.....J
(R. BANUMATHI)

NEW DELHI
DATED 26th AUGUST, 2014.

ITEM NO.4

COURT NO.3

SECTION IX

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 (C) No(s). 10801/2012

(Arising out of impugned final judgment and order dated 19/01/2012 in WP No. 9342/2010,23/01/2012 in WP No.9342/2010,24/01/2012 in WP No. 9342/2010 passed by the High Court Of Bombay)

MUMBAI INTERNATIONAL AIRPORT P.LTD.

Petitioner(s)

VERSUS

KRISHNA DEVELOPERS PVT.LTD.

Respondent(s)

(with appln. (s) for permission to file additional documents and interim relief and office report)

WITH SLP(C) No. 27409/2012

(With Interim Relief and Office Report)

Date: 26/08/2014 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE T.S. THAKUR

HON'BLE MRS. JUSTICE R. BANUMATHI

For Petitioner(s) Mr. Pallav Sisodia, Sr. Adv.
(10801/12) Mr. Siddartha Choudhary, Adv.
Mr. Asit Kumar Roy, Adv.
Mr. Snehasish Mukherjee, Adv.

(27409/12) Mr. Shekhar Naphade, Sr. Adv.
Mr. S. Sukumaran, Adv.
Mr. Anand Sukumaran, Adv.
Mr. Bhupesh Kumar Pathak, Adv.
Ms. Meera Mathur, Adv.

For Respondent(s) Mr. Shekhar Naphade, Sr. Adv.
Mr. S. Sukumaran, Adv.
Mr. Anand Sukumaran, Adv.
Mr. Bhupesh Kumar Pathak, Adv.
Ms. Meera Mathur, Adv.

Mr. Pallav Sisodia, Sr. Adv.
Mr. Siddartha Choudhary, Adv.
Mr. Asit Kumar Roy, Adv.
Mr. Snehasish Mukherjee, Adv.

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

Leave granted.

The appeals are disposed of in terms of the signed order.

(Mahabir Singh)
COURT MASTER

(VEENA KHERA)
COURT MASTER

(Signed order is placed on the file)