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M/s. Nitul Data Systems (P) Ltd.

....Appellant(s)

versus

U.O.I. & Ors.

...Respondent(s)

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Last evening learned counsel for the appellant was told that it appeared that the appeal raised only a question of appreciation of evidence and it was pointed out that there was no ground in the Memo of Appeal (S.L.P.) which stated that the conclusion of the High Court which is under appeal or of the authorities below was perverse or such as could not have been arrived at reasonably upon the record. Even so, this morning learned counsel has persisted with his argument and it is plain to us, having heard him and seen the record, that what he calls a total lack of evidence is only his reading of the evidence, and he suggests that we reappreciate it to reach the same conclusion. Neither the High Court in the writ petition under Article 226 of the Constitution could have done so nor in appeal can we.

The appeal is dismissed. The appellant shall pay to the respondents the costs of the appeal, fixed at Rupees twenty thousand.

.SP1

.....J.  
(S.P. Bharucha)

.....J.  
(N. Santosh Hegde)

.....J.  
(Y.K. Sabharwal)

New Delhi,  
March 14, 2001.