

\236

SLP(C)No. 10768-10769 OF 2000

ITEM No.30

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
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No.10768-10769/2000

(From the judgment and order dated 07/07/2000 in FAO (OS) Nos.266 & 265 of 1997 of The HIGH COURT OF DELHI AT N. DELHI)

M/S SPECTRUM TECHNOLOGIES, USA

Petitioner (s)

VERSUS

SPECTRUM POWER GENERATION CO. LTD. & ORS

Respondent (s)

(With appln.(s) for strike off the applicant/respondent No.18 and intervention/impleadment on behalf of I.D.B.I. And deletion of Respondent Nos.16-18 from the array of parties and directions on behalf of petitioner and modification of order dated 24.7.2000 and directions under Section 151 CPC on behalf of IDBI and directions)

(Along with the paper books of SC 1717/2000 for reference)

With

SLP(C) Nos.10306-10308/2001

(with prayer for interim relief)

With

SLP(C) No.19193/2001

(With prayer for interim relief)

With

SLP(C) Nos.11483-11485/2002

(With prayer for interim relief)

Date : 06/08/2004 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.N. VARIAVA

HON'BLE MR. JUSTICE A.K. MATHUR

For Petitioner (s)Mr. Manmohan, Sr. Adv.

Mr. Ramesh Singh, Adv.

Ms. Bina Gupta, Adv.

Mrs. Rakhi Ray, Adv.

Mrs. Divya Roy, Adv.

For Respondent (s)Mr. Manu Shroff, Adv. for

M/s Suresh A. Shroff & Co.

Mr. Prashant Bhushan, Adv.

Ms. Ruby Singh Ahuja, Adv.

Mr. D.N. Mishra, Adv. for
M/s J.B. Dadachanji & Co.

Mr. K.N. Rawal, Sr. Adv.
Ms. Indu Malhotra, Adv.
Mr. Dheeraj Nair, Adv.

Mr. Vikram Dhokalia, Adv.
Mr. Niel Hilduth, Adv.
Mrs. Shiraz Contractor Patodia, Adv.

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

SLP(C) Nos.10768-10769/2000

We have heard Mr. Manmohan, learned senior counsel for the Petitioners at great length. In our view, there is no infirmity in the impugned order of the High Court inasmuch as on the averments as they stand in the Suit and in the prayers as mentioned in the Suit, no interim order could have been passed. To grant the interim relief prayed for would have resulted in making the Suit absolute at the interim stage. We thus see no reason to interfere. The Special Leave Petitions are dismissed.

We, however, clarify that it will be open for the Petitioners to apply for amendment of their plaint to bring subsequent events on record and to apply for appropriate prayers/relief there after. We are sure that all applications, including the application for amendment, if any made, will be considered on their merits after hearing all parties. Hearing of the Suit is expedited.

SLP(C) Nos.10306-10308/2001, 19193/2001, 11483-11485/2002.

Adjourned to next Friday, i.e., 13th August, 2004.

(K.K. Chawla)
Court Master

(Jasbir Singh)
Court Master