

ITEM NO.45

COURT NO.8

SECTION XVI

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(s).16430/2013

(From the judgement and order dated 12/04/2013 in AST No.321/2012 dated 16/04/2013 in AST No.321/2012 of The HIGH COURT OF CALCUTTA)

M/S KONARK INFRASTRUCTURE LTD.

Petitioner(s)

VERSUS

M/S MEP INFRASTRUCTURE DEV.PVT.LTD.& ORS

Respondent(s)

(With appln(s) for withdrawal of slp and office report)

WITH S.L.P.(C)...CC NO. 10215 of 2013

(With appln.(s) for permission to file SLP without C/copy as well as plain copy of impugned order and exemption from filing c/copy as well as plain copy of the impugned order and with prayer for interim relief and office report)

Date: 08/05/2013 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE T.S. THAKUR

HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA

For Petitioner(s) Mr. C.A. Sundram,Sr.Adv.

(SLP(C)No.16430 Mr. Anip Sachthey,Adv.

of 2013) Mr. Mohit Paul,Adv.

Ms. Shagun Matta,Adv.

Mr. Saakaar Sardana,Adv.

Mr. D.K. Rastogi,Adv.

(S.L.P.(C)...CC Mr. K.K. Venugopal,Sr.Adv.

NO. 10215 of 2013) Mr. Abhijit Sengupta,Adv.

Mr. Anand,Adv.

Mr. D. Banerjee,Adv.

Mr. Faisal M.,Adv.

Ms. Sampa Sengupta Ray,Adv.

For Respondent(s) Dr. Abhishek Manu Singhvi,Sr.Adv.

Mukul Rohtagi,Sr.Adv.

Mr. Mohd. Waquar,Adv.

Mr. Tapeshe Kumar Singh,Adv.

Mr. K.K. Venugopal,Sr.Adv.

Mr. Abhijit Sengupta,Adv.

Mr. Anand,Adv.

Mr. D. Banerjee,Adv.

Mr. Faisal M.,Adv.

Ms. Sampa Sengupta Ray,Adv.

UPON hearing counsel the Court made the following

O R D E R

SLP(C)No.16430 of 2013

Heard.

We had by our order dated 3rd May, 2013 directed the petitioner-company and respondent No.1 to deposit a bank draft for an amount representing 1/5th of the bid amount of Rs.261 crores offered by them in the Court, on that date of hearing. We had

also directed them to furnish bank guarantees for the balance of 4/5th of the said bid amount. This was done as a condition precedent for entertaining any further offers on the rival claimants.

Today, when the matter came up before us, Mr. C.A. Sundram, learned senior counsel for the petitioner-company, submitted that there was some difficulty with the petitioner-company sticking to its offer of Rs.261 crores for a period of five years. A similar difficulty was also expressed by Dr. Abhishek Manu Singhvi, learned senior counsel for respondent no.1-company.

As an interim measure, Mr. Sundraam offered to deposit a sum of Rs.52 crores over and above the amount which the petitioner-company has already paid and is required to pay on a monthly basis to Hoogli River Bride Commissioners. In the circumstances, therefore, and without expressing any opinion as to the course of action that the Court may adopt while dealing with the matters on merit, we direct the interim arrangement to continue subject to the petitioner-company depositing with Hoogli River Bride Commissioners a sum of Rs.52 crores within a period of two weeks from today.

The parties to complete the pleadings and the matter to come up for final hearing on 16th July, 2013.

SLP(C)No(s)...CC10215 of 2013

Issue notice.

The respondents have already entered appearance through their respective counsel.

Four weeks' time is granted for filing counter affidavit, rejoinder, if any, be filed within two weeks thereafter.

Impugned judgment passed by the High Court shall, in the meantime, remain stayed.

List along with main matter on 16th July, 2013.

|(Mahabir Singh)  
| Court Master

|(Veena Khera)  
| Court Master

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