

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.4518 OF 2008
(Arising out of S.L.P.(C) No.8750/2007)

M/s. Supreme Industries Ltd.

...Appellant(s)

Versus

M/s. Ranisati Pipe Industries & Ors.

...Respondent(s)

ORDER

Leave granted.

Having heard learned counsel on both sides and having examined in detail each of the documents relevant to the case, Mr.Jha, learned counsel appearing for respondent No.1-M/s. Ranisati Pipe Industries (original writ petitioner in the High Court) states, on instructions, that he would like to withdraw the original Writ Petition No.1046/2006 filed in the High Court of Jharkhand at Ranchi.

In view of the above statement made by the learned counsel, the impugned judgment of the Division Bench as well as the judgment of the learned Single Judge stands set aside as the original Writ Petition stands dismissed as withdrawn.

Accordingly, with the dismissal of the original Writ Petition No.1046/2006, the status quo ante as prevalent on

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the date of filing of the said Writ Petition shall stand restored.

At this stage, we are required to state that since we are directing restoration of status quo ante, it needs to be mentioned that a concluded contract awarded in favour of the appellant stood terminated after they had supplied approximately three lakh metres of PVC Pipes out of the total quantity of nine lakh metres. The Court's intervention took place at the stage of execution of the contract. Since we are restoring status quo ante, we are directing the appellant herein to supply the the balance quantity under the contract within thirty days from today. Secondly, we are also directing the State to accept the balance quantity accordingly. This Order is being passed because the Appellant had supplied 300000 (approx.) out of 900000 Metres of PVC Pipes.

At this stage, Shri B.B.Singh, learned counsel appearing for State of Jharkhand, states that he has received instructions from the Secretary, Water Resources Department, that the State supports the impugned judgment of the Division Bench of the High Court, vide letter dated 21st April, 2008. Further, Mr. Singh points out that he has no instructions with regard to the balance quantity which is

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required to be supplied under the contract. We find no reason to accept the statement of the Secretary for two reasons. All throughout the litigation the State has filed affidavits supporting the decision inviting tender as well as the terms and conditions of N.I.T. Even with regard to the rate at which the offer is made by the appellant, the State has supported the rate submitted by the appellant. Even before us in the S.L.P., affidavits have been filed to that effect. Secondly, in this case, original Writ Petition was filed by respondent No.1 who, as stated hereinabove, has sought our permission to withdraw the Writ Petition. In the circumstances, there is no question of the State now submitting vide some letter that they are supporting the impugned judgment.

Civil Appeal is, accordingly, disposed of with no order as to costs.

.....J.
(S.H. KAPADIA)

.....J.
(B. SUDERSHAN REDDY)

New Delhi,
July 17, 2008.

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
SPECIAL LEAVE PETITION (C) NO.8524 OF 2007

M/s. Farmers Tractors

...Appellant(s)

Versus

State of Jharkhand & Ors.

...Respondent(s)

ORDER

In view of our order passed today in the case of M/s. Supreme Industries Ltd. Vs. M/s. Ranisati Pipe Industries & Ors., Civil Appeal arising out of S.L.P.(C) No.8750/2007, nothing survives in this Petition filed by M/s. Farmers Tractors. The reason is that petitioners-M/s. Farmers Tractors were intervenors in the High Court. They had opposed the original Writ Petition filed by respondent No.5 herein-M/s.Ranisati Pipe Industries. Since the original Writ Petition stands dismissed as withdrawn, nothing survives in this Special Leave Petition and the same is, accordingly, dismissed as infructuous.

No orders as to costs.

.....J.
(S.H. KAPADIA)

.....J.
(B. SUDERSHAN REDDY)

New Delhi,
July 17, 2008.