

SLP(C)No. 12551 OF 2004  
ITEM No.202

Court No. 5

SECTION XVI  
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.12551/2004

(From the judgement and order dated 01/07/2004 in CA 327/04  
of The HIGH COURT OF CALCUTTA)

INDIAN IRON & STEEL CO. LTD.

Petitioner (s)

VERSUS

ORIENT TRADING CO. & ANR.

Respondent (s)

( With Appln(s). for urging addl. grounds )  
(With prayer for interim relief and office report)  
( For Final Disposal )

Date : 08/10/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.N. VARIAVA  
HON'BLE MR. JUSTICE H.K. SEMA

For Petitioner (s)Mr. Ashwani Kumar, Sr. Adv.  
Mr. Sunil Kumar Jain,Adv.

Mr. A.K. Shahi, Adv.  
Mr. Manish Kumar, Adv.  
Mr. S. Barthakur, Adv.

For Respondent (s)Mr. Rana Mukherjee, Adv.  
Mr. Siddharth Gautam, Adv.  
Mr. Goodwill Indeevar,Adv.

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

Leave granted.  
Heard parties.  
The Appeal stands disposed of in terms of the signed order. No order as to costs.

(K.K. Chawla)  
Court Master

(Jasbir Singh)  
Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. \_\_\_\_\_ OF 2004  
(ARISING OUT OF SLP (CIVIL) NO.12551 O 2004

INDIAN IRON & STEEL CO. LTD.

Appellant (s)

VERSUS

ORIENT TRADING CO. & ANR.

Respondent (s)

O R D E R

Leave granted.

Heard parties.

In a winding up Petition filed by the Respondents (herein), the learned Single Judge of the High Court has ordered admission and issuance of notice. The Division Bench of the High Court, by the impugned order, has refused to interfere. Notice has already been published.

Our attention has been drawn to certain sentences, in the order of the learned Single Judge as well as in the order of the Division Bench, which seems to suggest that both the Courts have already finally concluded that the Appellant Company has no defence. In our view, at this stage, all observations can only be prima facie observations. The merits will have to be decided at the final hearing. With this clarification, we see no reason to interfere. The Appeal stands disposed of accordingly. No order as to costs. Clarified that the High Court can proceed with the final hearing of the Company Petition.

.....J.

(S.N. Variava)

.....J.

(H.K. Sema)

New Delhi;

October 08, 2004.