

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).17326/2011

(From the judgement and order dated 10/02/2011 in SBCAP No.8/2008 of The HIGH COURT OF RAJASTHAN BENCH AT JAIPUR)

DINESH TYAGI Petitioner(s)

VERSUS

GENUS OVERSEAS ELECTRONICS LTD.& ANR Respondent(s)

(With office report)

Date: 02/09/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.M. LODHA
HON'BLE MR. JUSTICE MADAN B. LOKUR

For Petitioner(s) Mr. Pawan Sharma, Adv.
Mr. B.B. Jain, Adv.
Mr. Mohan Pandey, Adv.

For Respondent(s) Mr. Maruf Khan, Adv.
Mr. Ravindra S. Garia, Adv.

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

Before the High Court, the following statement was made on behalf of the respondent-company :-

"(3) Submission of counsel for the respondents is that in reply dated 30.1.2008 to the notice dated 13.12.2007, more particularly, paras 4, 5 and 6, the respondents have categorically stated that they are ready to make payment of the amount in case the applicant produces to the respondent company the original challans in proof of depositing the EPF/ESI amount of Rs. 8,78,566/- paid by him to the respective authorities, along with one photostat copy of the challans."

The High Court has also noted that the petitioner (contractor) agreed to produce to the company original challans along with one photocopy of EPF/ESI paid by him to the respective authorities.

No such challans have been produced so far.

Having regard to that, we do not find any justifiable ground to invoke our jurisdiction under Article 136 of the Constitution of India in the matter.

Special leave petition is dismissed.

However, it is observed that if within four weeks from today, the petitioner produces the document(s) as noted by the High Court in the impugned order, the respondent-company shall make payment to the contractor accordingly.

| (Rajesh Dham)
| Court Master

| | (Renu Diwan)
| | Court Master

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