

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).15293/2012

(From the judgement and order dated 16/04/2012 in CA No.7/2011 of The HIGH COURT OF JUDICATURE AT ALLAHABAD BENCH AT LUCKNOW)

HIMALAYA HYDRO PVT.LTD AND ORS

Petitioner(s)

VERSUS

R.SREENIVASULU REDDI AND ORS

Respondent(s)

(With application for permission to file additional documents and prayer for interim relief)

Date: 21/08/2012 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR

HON'BLE MR. JUSTICE H.L. GOKHALE

For Petitioner(s) Mr. Shyam Diwan, Sr. Adv.
Mr. Pratap Venugopal, Adv.
Ms. Surekha Raman, Adv.
Mr. Varun Singh, Adv.
Mr. Namrata Sood, Adv.
Mr. Gaurav Nair, Adv.
For M/S. K.J. John & Co., Advs.

For Respondent(s) Mr. Soli Sorabjee, Sr. Adv.
Mr. C.A. Sundaram, Sr. Adv.
Mr. Alok Dhir, Adv.
Ms. Purti Marwaha, Adv.
Mr. Hemant Sharma, Adv.
Mr. Mayank Grover, Adv.
Mr. Gagan Gupta, Adv.

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

We have heard the learned counsel for the parties.

In our opinion, the projects undertaken by the parties are such that they would be of national importance in the area in which they are located. However, the disputes which have arisen between two groups with regard to both the projects have resulted in an impediment in the completion of both the projects. In order to ensure the speedy completion of the project, the Company Law Board had passed an order whereby Mr. H.S. Acharya was appointed as a Facilitator to ensure that the progress on the completion of the project is not hindered by the internal differences between the two groups.

Upon hearing the learned counsel for the parties, we are of the opinion that the Facilitator appointed by the Company Law Board would serve a useful purpose to ensure that the progress

continues on the completion of two projects. At the same time, it was necessary to bring the parties together for mutual discussions to put an end to the over all disputes between the parties. At the same time, we are of the opinion that this is not a matter which needs to be referred to a conventional forum or Alternative Dispute Redressal such as arbitration or formal mediation. We are, rather of the opinion that it would be more appropriate to have the services of an independent and non-partisan conciliator who would be mutually acceptable to both the sides who would sit with the parties and attempt to reconcile the differences between the two parties. Parties are agreed that Hon'ble Mr. Justice S.N. Variava, a former Judge of this Court may be requested to act as the Conciliator.

In view of the above, we appoint Hon'ble Mr. Justice S.N. Variava, a former Judge of this Court, now residing at 2401/2501, Crescent Heights, Forjett Street, Opposite Bhatia Hospital, Mumbai - 400 036 as a Conciliator. His mandate would be to make efforts to resolve the disputes between the parties so that projects which are held up are completed as early as possible. The learned Conciliator is requested to conduct the proceedings treating the same to be of an emergent nature since the projects need to be completed not only in the interest of the parties but also in the interest of the nation. We request the Conciliator to fix the first/preliminary meeting of the parties in the first week of September, 2012 at a venue which would be convenient to all the parties concerned.

We make it clear that the Facilitator appointed by the Company Law Board shall continue to oversee the progress on the two projects on a day to day basis as directed by the Company Law Board.

The terms and conditions of learned Conciliator shall be decided by the Conciliator in consultation with the parties. The learned Conciliator is also requested to submit a report to this Court as expeditiously as possible.

The Special Leave Petition shall stand over for eight weeks to await the report of the learned Conciliator.

Registry is directed to send a copy of this order to the learned Conciliator.

[KALYANI GUPTA]
COURT MASTER

[INDU BALA KAPUR]
COURT MASTER