

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

I.A. NOS. 5-6
IN
CIVIL APPEAL NO. 9178 OF 2010

BOARD OF TRUSTEES OF J.N.P. TRUST

..... APPELLANT(S)

VERSUS

SARPANCH, GRAM PANCHAYAT & ORS.

..... RESPONDENT(S)

O R D E R

Heard learned counsel appearing for the parties on this application which is filed by the appellant praying for a direction to the respondents to cancel or vacate the order of attachment and release the property from attachment.

The application relates to an order passed by this Court on 18th October, 2010. By the said order, this Court directed the appellant to pre-deposit 20 per cent of the amount excluding interest demanded as dues from the appellant Parishad. The aforesaid order was a conditional order for hearing the appeal filed by the appellant. According to the calculation arrived at by the Zila Parishad, 20 per cent of the amount due and payable in terms of the order of this Court came to approximately Rs. 26 crores. Pursuant to our order as it appears

an amount of Rs. 9,90,29,942.60¹ is deposited with the Zila Parishad. Therefore, according to the same calculation the balance amount required to be deposited by the appellant is Rs. 16,06,93,549/-. In view of the fact that the said amount was not deposited and one of the cheques issued earlier by the appellant was bounced, an order was passed for attachment of the property of the appellant, pursuant to which, the attachment of property has also been made.

Today when the matter is taken up, counsel appearing for the appellant has fairly undertaken to deposit the balance amount of Rs. 16,06,93,549/- in this Court within a week from today through a demand draft, in the name of Secretary General, which when deposited shall be kept in a fixed deposit account initially for a period of six months and to be renewed thereafter till a further order is passed by this Court in that regard. Subject to the aforesaid condition of the deposit being made in this court in terms of the statement made by the counsel appearing for the appellant, we direct for revival of the appeals which were filed by the appellant with a further request to the Appellate Authority to hear and dispose of the appeals on merit.

We are also informed that an amount of Rs. 9,90,29,942.60 is lying deposited with the Zila Parishad, in terms of our order. It shall be open for the Gram Panchayat, one of the respondents herein, to make an application before the Appellate Authority for release of the aforesaid amount or part thereof lying deposited

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In terms of the aforesaid order, the Interlocutory Application Nos. 5 & 6 stand disposed of. The attachment order shall stand vacated immediately and the property which stands attached shall be released from attachment preferably tomorrow. In case there is any failure on the part of the appellant to deposit the amount within a week from today, the order of attachment shall stand revived.

..... J [DR. MUKUNDAKAM SHARMA]

NEW DELHI,
FEBRUARY 3, 2011.

For Petitioner(s) Mr. Mukul Rohatgi, Sr. Adv.
mr. Vikas Singh, Sr. Adv.
Mr. Ajay Sharma,Adv.

For Respondent(s) Mr. A.K. Sanghi, Sr.Adv.
Dr. Rajeev B. Masodkar, Adv.
Mr. S.R. Setia, Adv.

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

The Interlocutory Application Nos. 5 & 6 stand disposed of in terms of the signed order. The attachment order shall stand vacated immediately and the property which stands attached shall be released from attachment preferably by tomorrow. In case there is any failure on the part of the

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appellant to deposit the amount within a week from today,
the order of attachment shall stand revived.

In view of the order passed today, application for clarification/modification of the order dated 18.10.2010 has also been rendered infructuous and is accordingly disposed of.

(NEELAM GULATI) (VEENA KHERA)
SR.P.A. COURT MASTER
(Signed order is placed on the file)