

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No(s).16708/2010

(From the judgement and order dated 12/05/2010 in
of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

CRD No. 55/2010

U.P.RAJYA VIDYUT UTPADAN NIGM.LTD.& ANR

Petitioner(s)

VERSUS

YASHPAL SINGH CHAUHAN & ORS.

Respondent(s)

(With appln(s) for exemption from filing O.T.,permission to file
additional documents and prayer for interim relief)

Date: 15/06/2010

This Petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DEEPAK VERMA
 HON'BLE MR. JUSTICE K.S. RADHAKRISHNAN
 [VACATION BENCH]

For Petitioner(s)

Mr. Pradeep Misra,Adv.

For Respondent(s)

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

Petitioner M/s. U.P. Rajya Vidyut Utpadan Nigam

Ltd. and its Executive Engineer have been arrayed as
respondent Nos. 3 to 5 in the Civil Revision (defective)

No. 55 of 2010 in the High Court of Judicature at
Allahabad preferred by respondent No. 1 Yashpal Singh
Chauhan against the order of the trial Court. In the
same, notices have been directed to be issued to the
respondents of the said Revision.

.....2.

- 2 -

ITEM NO.16

COURT NO.3

DATED 15/06/2010

.....contd.

Petitioners, who were some of the respondents in
the same, are before us challenging the last part of the
order which reads as thus:

"The revisionist's case shall be

reconsidered and if he is prepared to deposit the entire amount within a reasonable period i.e. one month from today, the contract which had already been given to him shall be revived and the revisionist after he deposits the amount shall be permitted to carry out the dismantling work. The operation of the order dated 16.2.2010 shall remain."

According to them, once the time limit for payment of the balance amount had expired on 21.1.2010, there was no occasion on the part of respondent no. 1 to have made any prayer to deposit the balance amount so as to enable him to start the work. As out of the total amount of Rs. 27,26,75,000/- (rupees twenty seven crores, twenty six lakhs, seventy five thousands only), respondent no. 1 had deposited only Rs. 1 crore towards security but he committed default in payment of the aforesaid amount in two different installments.

.....3.
- 3 -

ITEM NO.16 COURT NO.3 DATED 15/06/2010contd.

Admittedly, the impugned order passed by learned single Judge is an interim order. The petitioner herein have not even appeared before the learned single Judge. In the facts and circumstances of the case, we therefore, deem it fit and proper to give liberty to the petitioners to approach the learned single Judge and to move an appropriate application for vacating the said order. If such an application is filed, the learned single Judge would consider the same on merits in accordance with law as expeditiously as it may be possible.

With the aforesaid directions, this petition stands disposed of.

Court Master

Court Master