

&

SLP(C)No. 18160 OF 2003
ITEM No.53

Court No. 3

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.18160/2003

(From the judgement and order dated 17/09/2003 in APOT 466/03 IN
ACO 90/03 IN CA 68/03 IN CP 67/03 of The HIGH COURT OF CALCUTTA)

M/S. DUNCANS INDUSTRIES LTD.

Petitioner (s)

VERSUS

M/S. PHOSPHATE CHEM.EXPORT ASSN.INC.&ORS

Respondent (s)

(With prayer for interim relief and office report)

Date : 19/01/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.C. LAHOTI
HON'BLE MR. JUSTICE ASHOK BHAN

For Petitioner (s) Dr. A.M. Singhvi, Sr. Adv.
Mr. Ramesh Singh, Adv.
Mr. A.T. Patra, Adv.
Mr. Nipun Malhotra, Adv.
For M/s. O.P. Khaitan & Co., Advs.

For Respondent (s) Mr. Kapil Sibal, Sr. Adv.
Mr. Dushyant Dave, Sr. Adv.
Mr. Amar Gupta, Adv.
Ms. Vibha Datta Makhija, Adv.
Mr. Dhirender Negi, Adv.

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

Leave granted.
Appeal disposed of in terms of the signed order.

KALYANI
(RADHA R. BHATIA)
COURT MASTER

(SIGNED ORDER IS PLACED ON THE FILE.)

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 404 OF 2004
(ARISING OUT OF S.L.P. (C) NO. 18160 OF 2003)

M/S DUNCANS INDUSTRIES LTD.

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APPELLANT (S)

VERSUS

M/S PHOSPHATE CHEMICALS EXPORT ASSOCIATION INC. & ORS.

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RESPONDENT (S)

O R D E R

Leave granted.

Happily the parties have resolved the disputes as amongst themselves, thanks to the efforts made by the learned counsel for the parties. The parties are agreeable, as stated by their learned counsel, to a schedule of payment subject to such directions as this Court may make so as to protect the interests of both the parties.

It is agreed that the petitioner shall make payment to respondent No. 1 as per the schedule set out in para 3 of the rejoinder affidavit filed on 14th November, 2003 which payment shall be in US Dollars as per the conversion rate applicable on the date of the payment. In order to protect the interests of the parties, it is directed that in the event of default the order passed by the High Court may revive subject to such directions as this Court may deem fit to make.

The decision of the High Court stands superseded.

Appeal disposed of.

.....J
(R.C. LAHOTI)

.....J
(ASHOK BHAN)

NEW DELHI;
JANUARY 19, 2004.