

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).25252 OF 2004

(From the judgement and order dated 28/06/2004 in CWJC No. 9556/1992  
of The HIGH COURT OF JHARKHAND AT RANCHI)

BIHAR GASES LTD.

Petitioner

(s)

VERSUS

STATE OF BIHAR & ORS.

Respondent

(s)

(With prayer for interim relief )

Date: 04/03/2005 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASHOK BHAN

HON'BLE DR. JUSTICE AR. LAKSHMANAN

For Petitioner(s)

Mr. Sanjay Jain,Adv.

For Respondent(s)

UPON hearing counsel the Court made the following

O R D E R

IA for modification is allowed. On December 17,2004 the

following Order was passed:

"Counsel for the petitioner has been heard on merits but we do not find any substance in his submissions. At this stage counsel for the petitioner states that the petitioner has cleared the dues of all the creditors except IDBI and the petitioner-company has already entered into negotiations with IDBI for one time settlement.

Adjourned by eight weeks."

-2-

Counsel for the petitioner now submits that by mistake it was stated by the counsel for the petitioner that the petitioner had cleared the dues of all the creditors except the IDBI whereas petitioner had not cleared the term loan of IDBI and other financial institutions. An application for modification has been filed to

permit the counsel for the petitioner to retract from the statement made before us on 17.12.2004. In view of the facts and circumstances of the case, we permit the petitioner to withdraw the earlier statement and instead it may read as that the petitioner has cleared all the dues except the term loan including interest of IDBI and other financial institutions. Nothing concrete has come out in the negotiations for which the adjournment was taken on the said date.

The Special Leave Petition is dismissed.

Sukhwinder

(Kanwal Singh)

Court Master