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SLP(C)No. 694 OF 2001
ITEM No.26

Court No. 6

SECTION XIA
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.694/2001

(From the judgement and order dated 09/11/2000 in RP 429/00
of The HIGH COURT OF KERALA AT ERNAKULAM)

VINOD ROY & ORS.

Petitioner (s)

VERSUS

M/S. CHERIAN & KURIEN

Respondent (s)

(With Appln(s). for exemption from filing c/c of the impugned Judgment
and intervention and impleading party)

(With prayer for interim relief and Office Report)
With

W.P(C)No.429/2001,SLP(C)No.4333-4342/2001,SLP(C)No.4446-4447/2001

Date : 21/11/2003 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE Y.K. SABHARWAL
HON'BLE DR. JUSTICE AR. LAKSHMANAN

For Petitioner (s) Mr. TLV. Iyer, Sr.Adv.
Mr. John Mathew, Adv.
Mr. K.R. Sasiprabhu,Adv.

For Ptnr. In W.P.429: Mr. C.N. Sree Kumar, Adv.
& for RR in 694 & Mrs M.L. Shujatha, Adv.
4333-4342:

For Respondent (s) Mr. Romy Chacko, Adv.

Mr. MP. Vinod, Adv.

Mr. VJ. Francis, Adv.(NP)

Mr. CS. Rajan, adv.
Mr. A. Raghunath, Adv.

Mr. KR. Sasiprabhu, Adv.

UPON hearing counsel the Court made the following

O R D E R

SLP(C)No.694 of 2001

The principal amount was paid to the contractor, namely, M/s Cherian & Kurien by the Government on 19th December, 2000. Under the orders of this court, the interest calculated up to 19th December, 2000 has also been paid. On the facts and circumstances of the case, in these proceedings, we do not think that any case has been made out for further payment of interest on interest. In this view the Contempt Proceedings against the petitioners, pending in the High Court, are dropped. The Special Leave Petition is disposed of accordingly.

I.A.No.3 in SLP(C)694/2001

In view of the orders passed in the Special Leave Petition, the application is dismissed. We

may note that All Kerala Contractors Association has also filed a substantive Writ Petition in this Court.

I.A.No.4 in SLP(C)No.694/2001

I.A.No.4 is allowed.

If not already paid, the applicants shall be paid in the similar manner as M/s Cherian & Kurien within a period of two months.

SLP(C)Nos.4333-4342/2001

No body has appeared for the respondent.

By a separate order, we have disposed of SLP(C)No.694 of 2002. The contractors, if not already paid by the State Government, shall be paid within two months on the similar terms as payment has been made by the State Government to M/s Cherian & Kurien as reflected in the order passed in SLP(C)No.694 of 2001. The Special Leave Petitions are disposed of accordingly.

I.A.Nos.2-11 in SLP(C)Nos.433-4342/2001

In view of the order passed in the SLP(C)Nos.4333-4342/2001 the I.As. are dismissed.

SLP(C)No.4446-4447/2001

Mr. TLV. Iyer, the learned senior counsel has placed before us a communication dated 18th November, 2003 sent by the Principal Secretary to State Government to the Law Officer, Office of the Resident Commission. Copy of that communication has also been given to learned counsel for the respondent. The respondent may respond to that communication within a period of two weeks by filing appropriate affidavit. Reply to that affidavit may be filed by the State Government within two weeks thereafter. The cases are adjourned.

W.P.(Civil) No.429 of 2001

We direct the respondent-State to file within 8 weeks reply affidavit indicating the position of payment of the admitted dues, if any, as also reply to the additional affidavit filed on 30th August, 2003. The case is adjourned.

(S. Thapar)

(V.P. Tyagi)

PS to Registrar

Court Master