

ITEM NO.61

COURT NO.3

SECTION IX

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

I.A. NOS. 5-8 & 9-12

IN

CIVIL APPEAL NO. 5568-5571 OF 2009

CITRA DEVELOPERS LTD.

Appellant (s)

VERSUS

METROPOLITAN INFRAHOUSING P.LTD.& ORS.

Respondent(s)

(With appln(s) for modification of Court's Order dated 17.8.2009 and with office report)

Date: 04/09/2009 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.H. KAPADIA
HON'BLE MR. JUSTICE AFTAB ALAM

For Appellant(s) Mr. F.S. Nariman, Sr.Adv.
Mr. E.C. Agrawala, Adv.
Mr. Mahesh Agarwal, Adv.
Mr. Rishi Agrawala, Adv.
Mr. Subhash Sharma, Adv.

For Respondent(s) Mr. Harish N. Salve, Sr.Adv.
Mr. Vishwajit Singh, Adv.

Mr. Rajiv Dhawan, Sr.Adv.
Mr. Anurag Sharma, Adv.
Mr. Prashant Kumar, Adv. for
M/S Ap & J Chambers, Adv.

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

I.As. Are disposed of in terms of the signed order.

(S. Thapar)
PS to Registrar
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(Madhu Saxena)
Court Master

The signed order is placed on the file.

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

I.A. NOS. 5-8 & 9-12

IN

CIVIL APPEAL NOS. 5568-5571 OF 2009

CITRA DEVELOPERS LTD.

...APPELLANT (S)

VERSUS

METROPOLITAN INFRAHOUSING P. LTD. & ORS.

...RESPONDENT(S)

O R D E R

I.A. Nos. 9-12 of 2009 are moved by Metropolitan Infrahousing Private Limited and I.A. Nos. 5-8 are moved by the Trade Union for correction.

In our Order dated 17th August, 2009 the words '139 crores' in para 1, should be read as '169 crores'.

In para 2 while remitting the matter we have used the words 'we remit the matter'. They should be read as 'we remit the matters'.

It is the case of Metropolitan Infrahousing Private Limited that in para 1 of the Order dated 17th August, 2009 while framing the question for remand to the High Court, this Court has stated as follows:

"...Whether an unsuccessful bidder, who is allowed to withdraw its own bid, could make the appellant bound by its offer dated 22.4.2008 or face the consequence of forfeiture of Rs. 139
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crores (now to be read as 169 crores)".

According to the applicant(s) the word "unsuccessful" be deleted or that it should be clarified that Citra Developers Limited claim to be "unsuccessful bidders".

We make it clear that it is the case of Citra Developers Limited that they are unsuccessful bidders and on that basis they sought withdrawal of their bid and consequentially the refund of the amount deposited by them.

Subject to above clarification, Interlocutory Applications stand disposed of.

.....J.
[S.H. KAPADIA]

New Delhi,
September 04, 2009

.....J
[AFTAB ALAM]