

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

Petition for Special Leave to Appeal (Civil) No.22734/2011
(From the judgement and order dated 26/07/2011 in DBSA No.
1063/2011 in SBCWP No. 5112/2011 of The HIGH COURT OF RAJASTHAN
AT JAIPUR)

M/S AGRIBIOTECH INDUSTRIES LIMITED

Petitioner(s)

VERSUS

STATE OF RAJASTHAN & ORS.

Respondent(s)

(With prayer for interim relief)

Date: 26/08/2011 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE D.K. JAIN

HON'BLE MR. JUSTICE ASOK KUMAR GANGULY

For Petitioner(s)

Mr. Mukul Rohtagi, Sr. Adv.
Mr. Kalyan Bandopadhyay, Sr. Adv.
Mr. Utpal Majumdar, Adv.
Mr. Sanjay Bose, Adv.
Ms. Sarla Chandra, Adv.

For Respondent(s)

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

The main grievance of the petitioner in the writ petition is that after their case was segregated from the bunch of connected writ petitions vide order dated 20th July, 2011, it is not coming up for hearing before the learned single judge and, in the meantime, the post-dated cheques issued by the petitioner are being encashed by the Department. It is pointed out that out of the total amount of Rs.6 crores, for which amount the post-dated cheques had been issued, cheques for a total amount of Rs.4 crores have already been encashed. Learned counsel ...2/-

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submits that if the writ petition along with stay application filed by the petitioner is not taken up for hearing at an early date, it will be rendered infructuous inasmuch as all the post-dated cheques would be encashed by the Department.

We are of the view that since there is no adjudication by the High Court on the merits of petitioner's case, no relief can be granted to the petitioner on that score. However, having regard to the peculiar situation in which the petitioner is placed in, we would request the learned single judge to take up Writ Petition No. 5112 of 2011 along with the stay application for hearing as expeditiously as practicable and, if possible, in the month of September, 2011 itself. If, for any reason, the main writ petition cannot be finally disposed of, appropriate orders shall be passed on the application seeking interim relief.

The Special Leave Petition is disposed of in the above terms.

(VINOD LAKHINA)
Court Master

(KUSUM GULATI)
Court Master