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SLP(C)No. 26377 OF 2004
ITEM No.MM(4)& (5)

Court No. 2

SECTION XVI

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No.26377/2004

(From the judgement and order dated 07/12/2004 in CAN 9121/04
in FA No.Nil in FAT No.3624/04 of The HIGH COURT OF CALCUTTA)

C.E.S.C. LTD.

Petitioner (s)

VERSUS

NILKAMAL BEZBORUAH & ANR.

Respondent (s)

(With prayer for interim relief)

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

With

SLP(C)No.26378/2004 (with prayer for interim relief)

Date : 17/12/2004 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE N. SANTOSH HEGDE

HON'BLE MR. JUSTICE S.B. SINHA

For Petitioner (s)Mr. Shanti Bhushan, Sr.Adv.

Mrs. Gauri Rasgotra, Adv.

Mrs. Vanita Bhargava, Adv.

Mr. Sanjeev Kumar, Adv.

For Respondent (s)Mr. H.K. Puri,Adv.

UPON being mentioned by the counsel the Court made the following

O R D E R

Taken on board.

Respondent is represented by the learned counsel.

Heard learned counsel for the parties.

Leave granted.

The appeals are allowed in terms of the signed order.

(PAWAN KUMAR)

(PREM PRAKASH)

COURT MASTER

COURT MASTER

(signed order is placed on the file)

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2004

(arising out of SLP(C)NO.26377/2004)

CESC LIMITED ... APPELLANT

VERSUS

DR. NILKAMAL BEZBORUAH & ANR.... RESPONDENTS

AND C.A.No...../2004 (arising out of SLP(C)No.26378/2004)

O R D E R

Taken on board.

Respondent is represented by the learned counsel.

Heard learned counsel for the parties.

Leave granted.

In the facts and circumstances of these cases, we think it appropriate to modify the interim order granted by the High Court. In substitution of the order of the High Court, we direct the appellant herein to deposit the entire amount as directed to be deposited by the High Court.

The amount shall be withdrawn by the respondent by furnishing Bank Guarantee of a Nationalised Bank. The time to deposit the amount is extended by four weeks from today.

The appeal are allowed.

.....J.

(N. SANTOSH HEGDE)

.....J.

(S.B. SINHA)

NEW DELHI,

DECEMBER 17, 2004.