

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

I.A.NOS. 7-8
IN
CIVIL APPEAL NO. 4767 OF 2011

SHRADHHA AROMATICS P.LTD.

Appellant (s)

VERSUS

O.L. OF GLOBAL ARYA IND.LTD.& ORS.

Respondent(s)

ORDER

I.A. NO. 8

This is an application by the appellant in Civil Appeal No. 4767 of 2011 for clarification of judgment dated 24.5.2011 and for issue of a direction to the Official Liquidator attached to the Gujarat High Court to refund Rs.1,61,00,000/- deposited by the applicant. He has also prayed for grant of interest from the date the amount was kept in fixed deposit in compliance of the High Court's order.

Heard Shri Amar Dave, learned counsel appearing for the applicant/appellant and perused the record.

Since the appeal filed by the applicant against the order of the Division Bench of the High Court was disposed of and the offer of Rs.7.60 crores made by intervenor-cum-promoter - M/s. Chiripal Textile Mills Private Limited was accepted, it is just and proper to grant the prayer made by the applicant for refund of Rs.1,61,00,000/-.

Accordingly, the application is allowed and the Official Liquidator is directed to refund Rs.1,61,00,000/- to the applicant within a period of two weeks from the date of receipt/production of copy of this order. However, the applicant's prayer for ordering payment of interest is rejected.

I.A.NO. 7

This is an application by M/s. Chiripal Textile Mills Private Limited for issue of a direction to the Official Liquidator attached to the Gujarat High Court to accept bank pay order Nos. 068916 and 068917 dated 3.6.2011 for payment of Rs.6 lakhs and Rs.5 lakhs to the appellants and respondents No.2 respectively in terms of judgment dated 24.5.2011.

Shri Amar Dave, learned counsel for the appellants says that in view of the order passed today in I.A. No. 8, his client will accept the amount offered by M/s. Chiripal Textile Mills Private Limited.

Ms. Savita Singh, learned counsel appearing for respondent No. 2 says that she is not in a position to make any commitment on the issue of acceptance of a sum of Rs. 5 lakhs which M/s Chiripal Textile Mills Private Limited has offered to her client.

In view of the above, the application is disposed of with a direction to the applicant to deposit Rs.5 lakhs with the Official Liquidator attached to the High Court within two weeks.

.....J.
(G.S. SINGHVI)

.....J.
(H.L. DATTU)

NEW DELHI,
12-09-2011

ITEM NO.64

COURT NO.8

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. 7-8 IN CIVIL APPEAL NO(s). 4767 OF 2011

SHRADHHA AROMATICS P.LTD.

Appellant (s)

VERSUS

OL OF GLOBAL ARYA IND.LTD.& ORS.

Respondent(s)

(For direction and office report)

Date: 12/09/2011 These applications were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI
HON'BLE MR. JUSTICE H.L. DATTU

For Applicants/Appellant(s) Mr. Amar Dave, Adv.
Mr. A. Deb Kumar, Adv.
Mr. P.S.Sudheer,AOR (Not Present)

For Respondent(s)
Ms. Savita Singh,Adv.
Mr. Ravindra Kumar ,Adv
Mr. Rahul Raj, Adv.
Mr.Chirag M.Shroff, AOR (Not Present)

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

The applications are disposed of in terms of the signed order.

(G.SUDHAKARA RAO)
Court Master

(PHOOLAN WATI ARORA)
Court Master

(Signed Order is placed on the file)