

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(s).19132/2006

(From the judgement and order dated 05/07/2006 in CA No. 4/1997 & MCA No. 4/1997 & CA No. 1239/2006 of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

RPJ MINERALS PRIVATE LIMITED AND ANR.

Petitioner(s)

VERSUS

S.K. SAXENA, OFFICIAL LIQUIDATOR & ORS.

Respondent(s)

(With appln(s) for exemption from filing O.T.,intervention,PERMISSION TO FILE ADDITIONAL AFFIDAVIT and prayer for interim relief and office report)

Date: 08/05/2007 This Petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE ARIJIT PASAYAT

HON'BLE MR. JUSTICE LOKESHWAR SINGH PANTA

For Petitioner(s)

Mr. F.S.Nariman, Sr.Adv.

Mr. T.R.Andhiyarujina, Sr.Adv.

Dr. Abhishek Manu Singhvi, Sr.Adv.

Mr. Viplav Sharma, Adv.

Mr. Subhash Sharma, Adv.

Mr. Anurag Singh, Adv.

Mr. Vikrant Yadav, Adv.

Mr. Sanjay R. Hegde,Adv.

For Respondent(s)

Mr. Harish N. Salve, Sr.Adv.

Mr. S.B.Upadhyay, Sr.Adv.

Ms. Sharmila Upadhyay,Adv.

Mr. P.N. Gupta ,Adv

Mr. Pradeep Misra ,Adv

Mr. Rajiv Shakdar, Sr.Adv.

Mr. B.L.Wali, Adv.

Mr. V.N. Raghupathy ,Adv

Dr. Indra Pratap Singh, Adv.

Mr. Anuvrat Sharma ,Adv

Mr. Sharan Kumar, Sr.Adv.

Mr. Rabindra Singh ,Adv

Mr. Sanjay Bhatt, Adv.

Mr. Abhishek Kumar, Adv.

Mr. S. Mahendran, Adv.

-2-

UPON hearing counsel the Court made the following

O R D E R

The application for intervention is allowed.

Leave granted.

The appeal is disposed of in terms of the Signed Order.

(Sukhbir Paul Kaur)

(Vijay Aggarwal)

Court Master

Court Master

(Signed Order is placed on the file)

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2007

(Arising out of SLP(C)No.19132 OF 2006)

RPJ MINERALS PRIVATE LIMITED AND ANR.

...Appellant(s)

Versus

S.K. SAXENA, OFFICIAL LIQUIDATOR & ORS.

...Respondent(s)

O R D E R

We have heard counsel for the parties.

The application for intervention is allowed.

Leave granted.

We find that the manner of disposal of the appeal under Section 483 of the Companies Act, 1956 (in short, 'the Act') by the High Court is not very appropriate. Therefore,

without expressing any opinion on merits, we set aside the order of the Division Bench impugned in this appeal and remit the matter to it for a fresh disposal in accordance with law. It is open to the parties to raise all contentions which are available to them.

Since there is urgency in the matter, we request the High Court to dispose of the appeal afresh after hearing the parties within a period of three months from the date of receipt of our order.

Since we are requesting the High Court to dispose of the matter within three months, it would be

-3-

appropriate that no disbursement shall be made out of the amount deposited by Respondent No.2.

There shall not be any mining activity carried out by any of the parties to the proceedings until disposal of the appeal

by the High Court.

The appeal is accordingly disposed of.

.....J.

(Dr. ARIJIT PASAYAT)

.....J.

(LOKESHWAR SINGH PANTA)

New Delhi,

May 8, 2007.