

ITEM NO.55

COURT NO.3

SECTION XIV

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(s).28325/2010

(From the judgement and order dated 06/09/2010 in                      FAO No. 205/2000  
of The HIGH COURT OF DELHI AT N. DELHI)

NATIONAL AGL.CO-OP MKTG. FEDN OF INDIA                      Petitioner(s)

VERSUS

ALIMENTA S.A.    Respondent(s)

(With appln(s) for modification of Court's Order and prayer for  
interim relief and office report)

WITH SLP(C) NO. 35065 of 2010  
(With appln.(s) for c/delay in filing SLP and office report)

Date: 24/01/2011      This Petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE R.V. RAVEENDRAN  
            HON'BLE MR. JUSTICE A.K. PATNAIK

For Petitioner(s)      Mr. Shanti Bhushan, Sr. Adv.  
                                    Mr. T.K. Ganju, Sr. Adv.  
                                    Mr. Ramesh Singh, Adv.  
                                    Mr. A.T. Patra, Adv.  
                                    Ms. Aradhana Patra, Adv.  
                                    for M/s. O.P. Khaitan & Co.,Adv.

For Respondent(s)      Mr.      S.K. Dholakia, Sr. Adv.  
                                    Ms.      Bindu Saxena, Adv.  
                                    Ms.      Aparajita Swarup, Adv.  
                                    Ms.      Neha Khattar, Adv.  
                                    Mr.      Shailendra Swarup, Adv.

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

On 25.10.2010 we had directed interim stay of the  
impugned judgment of the High Court subject to deposit of  
the amount due as per the award with further interest on

2

the same rate within eight weeks with a further direction  
that the amount when so deposited shall be kept in a  
fixed deposit with a nationalised bank for a period of  
one year.

The petitioner-Federation has made an application  
for modification.                      They have prayed that the interim stay  
may be modified so that they can furnish bank guarantee

instead of depositing the amount. Alternatively they have sought permission to deposit only the principal amount and sought dispensing of the requirement of deposit of interest.

The said application for modification is opposed by the respondent.

On the facts and circumstances, we are of the view that interest of justice would be served if the order is modified as under:

(A) The petitioner shall deposit 50% of the amount due under the award with interest up to date within eight weeks from today.

(B) The petitioner shall furnish unconditional bank guarantee in favour of the Secretary General, Supreme Court of India for the remaining 50% of the amount to be in force for a period of one year initially and to be renewed thereafter until the disposal of the matter, within the said period of eight weeks. The bank guarantee to be furnished will be not only the 50% of the amount due as on date but also the interest that will become due from one year from today.

(C) The respondent is permitted to draw the 50% amount that may be deposited by the petitioner subject to furnishing a similar unconditional bank guarantees for the same.

I.A. is disposed of accordingly.

List these matters in April, 2011 on a non-miscellaneous day.

( O.P. Sharma )  
Court Master

( M.S. Negi )  
Court Master