

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

CIVIL APPEAL NO.2282/2008

IMPROVEMENT TRUST, BATHINDA

Appellant(s)

VERSUS

M/S AMRIT PAUL & CO.

Respondent(s)

WITH

CIVIL APPEAL NO.2285/2008

O R D E R

Heard learned counsel for the parties.

The first Appeal has been filed by the Improvement Trust, Bathinda and the second Appeal has been filed by M/s Amrit Paul & Co., the successful bidder of a plot of land against the order dated 28.08.2006 passed by the High Court of Punjab & Haryana at Chandigarh.

The grievance of the Trust is that the State Government had no power to interfere in the working of the Trust as also in the auction procedure adopted by the Trust as was done in the present case.

On the other hand, the grievance of the successful bidder is that the High Court was not justified in directing the successful bidder to approach the Civil Court for payment of interest by filing appropriate suit and the High Court itself ought to have granted the payment of interest instead of asking the bidder to approach the Civil Court.

We have considered the matter in detail and we are not inclined to interfere with the impugned order passed by the

High Court as the entire amount of earnest money has been refunded back to the successful bidder. Therefore, the question of payment of interest, in these circumstances, does not arise.

However, the words "*However, the petitioner would be at liberty to seek his other remedies for claiming the interest etc. before the Civil Court, if so advised*" stand deleted from the impugned order.

However, question of law, if any, is left open and it is made clear that it shall not be treated as a precedent.

The Civil Appeals are disposed of with the aforesaid observations.

.....J.
[R.K. AGRAWAL]

.....J.
[ABHAY MANOHAR SAPRE]

NEW DELHI;
MARCH 01, 2017.

ITEM NO.105

COURT NO.10

SECTION IV

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

Civil Appeal No.2282/2008

IMPROVEMENT TRUST, BATHINDA

Appellant(s)

VERSUS

M/S AMRIT PAUL & CO.

Respondent(s)

(With interim relief and office report)

WITH

C.A. No.2285/2008

Date : 01/03/2017 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.K. AGRAWAL

HON'BLE MR. JUSTICE ABHAY MANOHAR SAPRE

For Appellant(s)

Mrs. Rachana Joshi Issar, Adv.

Ms. Vandana Mishra, Adv.

Mr. Syed Asif Iqbal, Adv.

Ms. Srujana Suman Mund, Adv.

Mr. B. K. Satija, Adv.

Ms. Sharmila Upadhyay, Adv.

Mr. Dheeraj Gupta, Adv.

For Respondent(s)

Mr. B. K. Satija, Adv.

Ms. Sharmila Upadhyay, Adv.

Mr. Dheeraj Gupta, Adv.

Mr. Jagjit Singh Chhabra, Adv.

UPON hearing the counsel the Court made the following

O R D E R

The Civil Appeals are disposed of in terms of the signed order.

(ASHA SUNDRIYAL)

COURT MASTER

(Signed order is placed on the file)

(CHANDER BALA)

COURT MASTER