

ITEM NO.1

COURT NO.6

SECTION XIV

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).888/2010

(From the judgement and order dated 07/10/2009 in CWP No.2748/2008
of The HIGH COURT OF H.P AT SHIMLA)

M/S BRAKEL CORP.N.V.

Petitioner(s)

VERSUS

RELIANCE INFRASTRUCTURE LTD.& ORS.

Respondent(s)

(With appln(s) for intervention,permission to place addl. documents
on record,impleadment,exemption from filing O.T. and prayer for
interim relief) (For final disposal)

WITH S.L.P.(C)...CC NO. 1480 of 2010

(With I.A. 1(C/delay in filing SLP and impleadment and office
report

Date: 01/04/2014 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE T.S. THAKUR

HON'BLE MR. JUSTICE C. NAGAPPAN

For Petitioner(s) Mr. Ranjit Kumar, Sr. Adv.
 Mr. Monish Panda, Adv.
 Mr. Kirat Singh Nagra, Adv.
 Mr. Praveen Kumar,Adv.
 Mr. Pranav Vyas, adv.

 Mr. E.C. Agrawala, Adv.

For Respondent(s) Ms. Radhika Gautam, Adv.
 Mr. Mahesh Agarwal, Adv.
 Mr. Rishi Agrawala, Adv.
 Mr. Shashank Manish, Adv.
 Mr. E.C. Agrawala,Adv.

 Mr. Himinder Lal ,Adv

 Mr. J.S.Attri, Sr. Adv.
 Mr. Suryanarayana Singh, Adv.
 Ms. Priyanka Bharihoke, Adv.

2

Ms. Pragati Neekhara, Adv.
Mr. Varinder Kumar Sharma ,Adv

Mr. Vikram Nankani, Adv.
Mr. Surya Kant, adv.
Ms. Purnima Jauhari, Adv.
Mr. B.K.Jauhari, Adv.

Mr. Naresh K. Sharma ,Adv

Mr. Daya Krishan Sharma ,Adv

Mr. Amit Pawan, Adv.

Mr. Praveen Kumar, Adv.

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

SLP(C) No. 888 of 2010:

Mr. Ranjit Kumar, learned senior counsel for the petitioner today submits that he has instructions to withdraw this special leave petition. The special leave petition is accordingly dismissed as withdrawn.

Learned counsel appearing for the applicant in I.A. No. 5 also seeks leave to withdraw this application. I.A. No. 5 is also dismissed as withdrawn.

Mr. Ranjit Kumar submits that the State Government has during the pendency of these proceedings issued a show cause notice to the petitioner-Brakel Corporation N.V dated 28.03.2014 calling upon the petitioner to show cause why the amount mentioned in the said notice be not forfeited and damages recovered from the

3

petitioner. He submits that the petitioner is suitably responding to that show cause notice but should the Government eventually decide to forfeit the amount in question, the petitioner may have the liberty to challenge the said forfeiture or such other redress in a separate writ petition or by way of arbitration if otherwise permissible.

We see no reason to decline that prayer especially when we find that the judgment impugned in these proceedings does not deal with the question of forfeiture and the show cause notice proposing to forfeit the amount has been issued during the pendency of the special leave petition. We make it

clear that in case the Government eventually decide to forfeit any amount or direct recovery of any damages from the petitioner-Corporation, the petitioner shall be free to seek such redress as may be legally permissible against any such direction. We express no opinion on the merits of any contention that may be open to the parties in any such proceedings. The parties are left to bear their own costs.

SLP(C) No.....CC 1480 of 2010:

Post on 22.04.2014.

(Shashi Sareen)
Court Master

(Veena Khera)
Court Master