

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 10703 OF 2017
[@ SPECIAL LEAVE PETITION (C) NO. 579 OF 2016]

SOUTH EASTERN COALFIELDS LTD Appellant (s)

VERSUS

BIRLA CORPORATION LTD & ANR. Respondent(s)

J U D G M E N T

KURIAN, J.

1. Leave granted.
2. The appellant approached this Court, aggrieved by the order dated 08.09.2015 passed by the High Court of Calcutta in APOT No. 417 of 2015. The order to the relevant extent reads as follows :-

"In the above circumstances, it would not be justifiable to answer the controversy either in favour of the appellant/plaintiff or in favour of the respondents/defendants. Therefore, we are of the opinion the amount taken by invoking bank guarantee, that is, Rs.91 Lacs and odd, be deposited in the name of the Registrar, Original Side in any nationalised bank in an interest earning deposit pending disposal of the suit so that whoever is ultimately successful in the civil litigation would not lose any interest out of such deposit. Ultimately the amount shall go to the party who is successful in the litigation.

With these observations, the appeal and the application are disposed of setting aside

the impugned order.

The respondents/defendants are permitted to file written statement within four weeks and do all other formalities in accordance with the procedure. List the suit for hearing two weeks after vacation."

3. When the matter came up before this Court, the following order was passed on 08.01.2016 :-

"Delay condoned.

Issue notice.

In the meantime, there shall be stay of operation and implementation of the impugned Judgment."

4. Having heard the learned counsel appearing on both sides, we are of the view that it is in the interests of both the parties that the interim order passed by this Court continues till the suit is finally disposed of. Ordered accordingly.

5. In view of the above, the appeal is disposed of.

.....J.
[KURIAN JOSEPH]

.....J.
[MOHAN M. SHANTANAGOUDAR]

New Delhi;
August 21, 2017.

ITEM NO.8

COURT NO.5

SECTION XVI

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 (C) No(s). 579/2016

(Arising out of impugned final judgment and order dated 08-09-2015 in APOT No. 417/2015 in GA No. 2933/2015 in CS No. 61/2015 passed by the High Court Of Calcutta)

SOUTH EASTERN COALFIELDS LTD

Petitioner(s)

VERSUS

BIRLA CORPORATION LTD & ANR.

Respondent(s)

Date : 21-08-2017 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE KURIAN JOSEPH
HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR

For Petitioner(s) Mr. Anupam Lal Das, AOR
Mr. Anirudh Singh, Adv.

For Respondent(s) Mr. Ranjan Bachawat, Sr. Adv.
Mr. Sanjay Ginodia, Adv.
Mr. Mayank Mishra, Adv.
Mr. Sidharth Sethi, AOR

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

Leave granted.

The appeal is disposed of in terms of the signed non-reportable Judgment.

Pending interlocutory applications, if any, stand disposed of.

(JAYANT KUMAR ARORA)
COURT MASTER

(RENU DIWAN)
ASSISTANT REGISTRAR

(Signed non-reportable Judgment is placed on the file)