

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION  
CIVIL APPEAL NO.5293 OF 2022  
(Arising out of SLP (Civil) No.2366 of 2020)

STATE OF WEST BENGAL & ORS.

Appellants

VERSUS

ADONIS ENGINEERS CO-OPERATIVE  
CONSTRUCTION SOCIETY LIMITED

Respondent

O R D E R

1. Leave granted.

2. This appeal challenges the judgment and final order dated 23.07.2019 passed by the Division Bench of the High Court of Calcutta in CAN No.518 of 2018 in FAT No.500 of 2017.

3. The Order under appeal directed the present appellants to deposit the entire decretal amount together with interest awarded therein with the Registrar General of the High Court within three weeks; and subject to such deposit, notice was directed to be issued in the pending appeal.

4. By interim order dated 17.01.2020, the appellants were directed to deposit a sum of Rs.45,00,000/- (Rupees Forty Five Lakhs Only) with the Registrar General of the High Court within three weeks from the date of Order. Accordingly, said sum has been deposited with the Registry of the High Court.

5. In the present appeal, we are concerned with the limited question whether the direction to deposit the entire decretal sum along with interest accrued thereon ought to be maintained or whether the deposit of Rs.45,00,000/- (Rupees Forty-Five Lakhs Only), as directed by this Court, can be taken to be sufficient compliance of the direction issued by the High Court.

6. We have heard Mr. Avishkar Singhvi, learned Advocate in support of the appeal, and Mr. Pulkit Agarwal, learned Advocate for the respondent.

7. In the facts and circumstances of the case on record, in our view, deposit of Rs.45,00,000/- (Rupees Forty-Five Lakhs Only) would meet the ends of justice. The direction to deposit the entire decretal sum along with interest is, therefore, substituted by direction to deposit Rs.45,00,000/- (Rupees Forty-Five Lakhs Only). Since that part has already been complied with, in our view, the pending appeal can now be taken up for hearing on merits by the High Court.

8. We, therefore, request the High Court to take up pending appeal being FAT No.500 of 2017 for disposal at an early date and preferably within three months from today.

9. It is made clear that we have dealt with only one issue, namely, the requirement of pre-deposit. All other issues are left open to be agitated before the High Court.

10. The Civil Appeal is disposed of, with no order as to costs.

.....J.  
(UDAY UMESH LALIT)

.....J.  
(S. RAVINDRA BHAT)

.....J.  
(SUDHANSHU DHULIA)

New Delhi,  
August 16, 2022