

ITEM NO.33

Court 5 (Video Conferencing)

SECTION XI

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).10770-10771/2020

(Arising out of impugned final judgment and order dated 29-04-2020 in MB No. 4517/2013 29-04-2020 in MB No. 2397/2013 passed by the High Court Of Judicature At Allahabad, Lucknow Bench)

IFCI LIMITED ETC.

Petitioner(s)

VERSUS

LUCKNOW MUNICIPAL CORPORATION & ORS. ETC.

Respondent(s)

Date : 05-02-2021 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE MR. JUSTICE DINESH MAHESHWARI

For Petitioner(s)

Mr. Mukul Rohatgi, Sr. Adv
Mr. Ankur Khandelwal, Adv
Mr. Gowrang Sharma, Adv
Mr. Himanshu Handa, Adv
Mr. Utkarsh Sharma, AOR

For Respondent(s)

Mr. Kapil Sibal, Sr. Adv.
Mr. Malak Manish Bhatt, AOR
Mr. Udbhav Nanda, Adv

Mr. Arijit Prasad, Sr. Adv
Mr. Ajay Singh, Adv
Mr. Ram Kumar, Adv
Mr. Rajeev Kumar Jha, Adv
Ms. Mahima Kalucha, Adv
Mr. Pranshu Kaushal, Adv
Mr. Vivek Narayan Sharma, AOR

Mr. Ajay Vikram Singh, AOR
Ms. Priyanka Singh, Adv
Mr. Chander Shekhar, Adv

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

We have heard learned counsel for the
petitioner (IFCI Limited) and respondent No.3

(Shalimar Corporation Limited) in reference to the direction given by the High Court to the petitioner (IFCI Limited) to refund the bid amount of Rs.18,64,01,000/- (Rupees Eighteen crore sixty four lakh and one thousand only) to respondent No.3 (Shalimar Corporation Limited) with interest from the date of passing of interim order dated 27.05.2013.

We find substance in the stand taken by respondent No.3 (Shalimar Corporation Limited) that the said party cannot be dragged along with the petitioner (IFCI Limited) concerning the issues arising from determination of lease. For, the respondent No.3 (Shalimar Corporation Limited) had participated in the auction process held on 22.01.2013 by the petitioner (IFCI Limited) with a sanguine hope of getting the subject land free from all encumbrances. Whereas, the lease in respect of the subject land came to be determined by respondent No.1 (Lucknow Municipal Corporation) on 20.03.2013.

It is not in dispute that the bid amount referred to above has been deposited with the petitioner (IFCI Limited) in a separate interest

bearing account. The same be made over to respondent No.3 (Shalimar Corporation Ltd.) along with interest accrued thereon. In other words, the interim order passed by us earlier stands modified to this limited extent, which means that respondent No.3 (Shalimar Corporation Limited) will have no concern with the dispute pending between the petitioner (IFCI Limited) and respondent No.1 (Lucknow Municipal Corporation) in the form of present special leave petitions.

The petitioner (IFCI Limited) shall refund the amount, as aforesaid, to respondent No.3 (Shalimar Corporation Limited) within two weeks from today. That is, obviously, without prejudice to the rights and contentions of the petitioner (IFCI Limited) to continue with other issues involved in the present special leave petitions concerning respondent No.1 (Lucknow Municipal Corporation).

The presence of respondent No.3 (Shalimar Corporation Limited) shall not be required any further in light of the aforesaid directions.

We are informed that respondent No.3 (Shalimar Corporation Limited) has filed contempt

petition(s) before the High Court against the petitioner (IFCI Limited). That stands disposed of in terms of the arrangement, referred to above, arrived at between the petitioner (IFCI Limited) and respondent No.3 (Shalimar Corporation Limited). The respondent No.3 (Shalimar Corporation Limited) shall move the High Court for a formal order in that regard.

List the special leave petitions after two weeks on a non-miscellaneous day.

In the meantime, petitioner (IFCI Limited) to file copy of the lease deed, referred to in the impugned judgment.

(NEETU KHAJURIA)
COURT MASTER

(VIDYA NEGI)
COURT MASTER