

High Court of Sikkim

Record of proceedings

I.A. No.07 of 2022 arising out of RFA No.04 of 2018

M/s. Thomas Enterprises and Another

Appellants

VERSUS

M/s. Yuksom Breweries Ltd.

Respondent

Date : **07-03-2022**

CORAM : **THE HON'BLE MRS. JUSTICE MEENAKSHI MADAN RAI, JUDGE**
THE HON'BLE MR. JUSTICE BHASKAR RAJ PRADHAN, JUDGE

For Appellants Mr. Sagar Chettri, Advocate.

For Respondent Mr. Simeon Subba, Advocate.

O R D E R

Rai, J.

Heard on I.A. No.07 of 2022. Learned Counsel for the Appellants submits that an amount of Rs.40,00,000/- (Rupees forty lakhs) only, was handed over by the Appellants in four Cheques, in the name of the Registrar General before the Registry, in compliance of the Order of the Hon'ble Supreme Court, dated 03-12-2018, in Civil Appeal No.11773 of 2018, arising out of SLP(C) No.30976 of 2018. The Registry kept the said amount in a Fixed Deposit in the State Bank of India, Gangtok Branch, in terms of the Order of this Court, dated 02-04-2019, in RFA No.04 of 2018. That, in view of the fact that the Appeal is no longer pending before this Court as evident from the Order dated 01-11-2021 of this Court in RFA *supra*, the said amount may be refunded to the Appellants.

Learned Counsel for the Respondent seeks one week's time to seek instructions.

On the basis of the submissions of Learned Counsel for the Appellants, we are not inclined to allow adjournment.

The amount of Rs.40,00,000/- (Rupees forty lakhs) only, with accrued interest, be refunded to the Appellants, within a week, from today by the Registrar General with all relevant documentation of making over and receipt of the amount.

I.A. No.07 of 2022 stands disposed of accordingly.

Judge

07-03-2022

Judge

07-03-2022