

ITEM NO.46

COURT NO.6

SECTION XII

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No(s). 8880/2014

J.K.TYRE AND INDUSTRIES LTD.

Appellant(s)

VERSUS

MICRO AND SMALL ENTERPRISES
FACILITATION COUNCIL AND ORS.

Respondent(s)

WITH

C.A. No. 8884/2014 (XII)
(ONLY IA No. 102564/2019 - CLARIFICATION/DIRECTION LISTED)

Date : 16-08-2019 This application was called on for hearing today.

CORAM :

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

For Parties

Mrs. Bina Gupta, AOR

Mr. Arvind Kumar Gupta, AOR
Mr. Prashant Bhardwaj, Adv.

Mr. Mohan Parasaran, Sr. Adv.
Mrs. Prabha Swami, AOR
Mr. Nikhil Swami, Adv.
Ms. Divya Swami, Adv.

Mr. R.R. Rajesh, Adv.
Mr. Raj Bahadur Yadav, AOR

Mr. R. Anand Padmanabhan, Adv.
Mr. Prawal Chaturvedi, Adv.
Mr. Aravind C., Adv.
Mr. Shashi Bhushan Kumar, AOR

A. Jaswanthi, Adv.

Mr. B. Vinodh Kanna, AOR
Mr. K. V. Vijayakumar, AOR

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

IA No. 102564/2019

Counsel for the applicant-respondent No.2 (M/s. Norton Polymers Ltd.) has not pressed prayer for alternative relief i.e. clause (ii) of the application.

As regards relief in terms of clause (i) of the application, the appellant-Cement Corporation of India has no objection to allow the applicant-respondent No.2 to take back the Bank Guarantee offered by the applicant-respondent No.2 in terms of order dated 01.07.2013 provided the applicant-respondent No.2 offers some other solvent security of commensurate amount to the satisfaction of the Registrar of this Court.

In view of above submission, we permit the applicant-respondent No.2 to take back the bank-guarantee by replacing it with solvent security to the satisfaction of the Registrar of this Court.

Accordingly, I.A. No.102564 is disposed of in the above terms.

Civil Appeal No.8884/2014

We are informed that cases involving similar issues were referred to mediation and have been duly settled.

In that view of the matter, we accede to the request of the counsel for the respondent(s) that even in the present case, the option of amicable settlement by resorting to mediation process be explored.

We, accordingly, direct the parties to appear through their authorized officer(s)/ nominee(s) before Shri R. Basant, learned senior counsel on 26th August, 2019 subject to his convenient time, who had acted as Mediator in other similar cases between the parties.

The mediation report be submitted within six weeks.

List thereafter.

Copy of this order be made over to Shri. R. Basant, Senior Advocate for information.

(NEETU KHAJURIA)
COURT MASTER

(VIDYA NEGI)
COURT MASTER