

ITEM NO.1501

COURT NO.12

SECTION XVI

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). 3705/2024

NBCC (INDIA) LTD.

Appellant(s)

VERSUS

THE STATE OF WEST BENGAL & ORS.

Respondent(s)

([HEARD BY : HON. PAMIDIGHANTAM SRI NARASIMHA AND HON. PANKAJ
MITHAL, JJ.])

Date : 10-01-2025 This appeal was called on for pronouncement of
judgment today.

For Appellant(s) Mr. Gopal Sankaranarayanan, Sr. Adv.
Mr. Nagarkatti Kartik Uday, AOR
Mr. Sanidhya Kumar, Adv.
Ms. Shivani Vij, Adv.

For Respondent(s) Ms. Madhumita Bhattacharjee, AOR
Ms. Debarati Sadhu, Adv.
Ms. Srija Choudhury, Adv.
Mr. Anant, Adv.

Mr. Sudarshan Rajan, Adv.
Mr. Satyam Dwivedi, Adv.
Ms. Puja Jakhar, Adv.
Mr. Harshit Prakash, Adv.
Mr. Roshan Santhalia, AOR

Hon'ble Mr. Justice Pamidighantam Sri Narasimha
pronounced the reportable judgment of the Bench comprising His
Lordship and Hon'ble Mr. Justice Pankaj Mithal.

Relevant portion of the judgment is quoted hereunder:

"29....

**On the interpretation of the provisions of the Act we
have arrived at a clear opinion and have expressed the
same. Though it is possible for us to follow the
precedents referred to in para 27 to arrive at the**

conclusion that the judgments in the case of *Silpi Industries* (supra) and *Mahakali Foods* (supra) coupled with the subsequent orders in *Vaishno Enterprises* (supra) and *M/s Nitesh Estates* (supra) cannot be considered to be binding precedents on the issue that has arisen for our consideration, taking into account the compelling need to ensure clarity and certainty about the applicable precedents on the subject, we deem it appropriate to refer this appeal to a three Judge Bench.

30. The Registry is directed to place the appeal paperbooks along with our detailed judgment before the Hon'ble Chief Justice of India for constitution of an appropriate Bench."

**(INDU MARWAH)
AR-CUM-PS**

**(NIDHI WASON)
COURT MASTER (NSH)**

(Signed reportable judgment is placed on the file)