

ITEM NO.32 Court 5 (Video Conferencing) SECTION IV-B

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 for Special Leave to Appeal (C) No(s). 8754/2020

(Arising out of impugned final judgment and order dated 22-01-2020 in CR No. 6890/2011 passed by the High Court Of Punjab & Haryana At Chandigarh)

IMAGING SOLUTIONS PVT. LIMITED Petitioner(s)

VERSUS

HUGHES COMMUNICATIONS INDIA LIMITED Respondent(s)

(IA No. 86232/2020 – CLARIFICATION/DIRECTION, IA NOS. 79319/2021-EARLY HEARING, IA NO. 117573/2021-APPLICATION TO PLACED ON RECORD ADDITIONAL DOCUMENTS NOT FORMING BPART OF THE LOWER COURT RECORDS)

Date : 13-09-2021 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE M.M. SUNDRESH

For Petitioner(s) Mr. Pinaki Misra, Sr. Adv.
 Mr. Siddharth Bhatnagar, Sr. Adv.
 Ms. Ruby Singh Ahuja, Adv.
 Ms. Deepti Sarin, Adv.
 Ms. Kritika Sachdeva, Adv.
 For M/S. Karanjawala & Co., AOR

For Respondent(s) Dr. A.M. Singhvi, Sr. Adv.
 Mr. Dharmesh Mishra, Adv.
 Mr. Pradeep Kumar Bakshi, AOR

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

We have heard learned counsel for the parties at some length and consider it appropriate that the special leave petition itself can be disposed of in agreed terms as under without prejudice to the

rights and contentions of the parties:

- i) the impugned order dated 22.01.2020 is not interfered with;
- ii) the respondents will continue to make the deposits in terms of the orders passed on 13.12.2012 in CM No. 24272-CII/2012 in CM No. 16921-CII of 2012 in C.R. No. 6890/2011 by the Punjab and Haryana High Court including for the future;
- iii) the amount has not been deposited after January, 2020 and the arrears will also be deposited by the respondents within one month from today;
- iv) the amount to be deposited by the respondents be released to the petitioner against security. The security shall be of the immovable property in suit which is stated to be unencumbered as per the petitioner after having obtained instructions;
- v) The Registrar of the High Court will verify the security;
- vi) In view of both the parties having filed objections under Section 34 of the Arbitration and Conciliation Act, 1996 (for short, "the Act"), on account of the award which does not permit specific

enforcement of the agreement of the immovable property as claimed by the respondents but simultaneously seeks to award damages to the respondents on account of development of structures of the property and in the narrow compass in which arbitration awards have to be scrutinized in view of the repeated judgments of this Court, the High Court will endeavour to bestow consideration on the applications filed by both the parties as early as found feasible.

The special leave petition along with (IA No. 86232/2020-application for direction is disposed of in the aforesaid terms.

Pending applications stand disposed of.

[CHARANJEET KAUR]
ASTT. REGISTRAR-cum-PS

[POONAM VAID]
COURT MASTER (NSH)