

ITEM NO.21

COURT NO.8

SECTION II-A

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

Petition(s) for Special Leave to Appeal(Cr1.) No. 5999/2017

(Arising out of impugned final judgment and order dated 17-04-2017 in WP No. 20805/2016 passed by the High Court Of M.P. Principal Seat at Jabalpur)

**KALAPATRU POWER TRANSMISSION COMAPNY LTD.
COMPANY & ANR.**

Petitioner(s)

VERSUS

RAMJI JAISWAL & ORS.

Respondent(s)

(IA No.73845/2017-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.73846/2017-EXEMPTION FROM FILING O.T. and IA No. 73845/2017 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT IA No. 73846/2017 - EXEMPTION FROM FILING O.T. IA No.73843/2017 - PERMISSION TO PLACE ON RECORD SUBSEQUENT FACTS)

WITH

SLP(Cr1) No. 6599/2017 (II-A)

(IA No.74378/2017-CONDONATION OF DELAY IN FILING and IA No.74390/2017-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.74393/2017-EXEMPTION FROM FILING O.T. and IA No. 74386/2017 - PERMISSION TO PLACE ON RECORD SUBSEQUENT FACTS)

Date : 08-04-2022 These matters were called on for hearing today.

**CORAM : HON'BLE MS. JUSTICE INDIRA BANERJEE
HON'BLE MR. JUSTICE A.S. BOPANNA**

For Petitioner(s) Ms. Radhika Gautam, AOR

**Mr. Amar Dave, Adv.
Mr. Mahesh Agarwal, Adv.
Mr. Rishi Agarwala, Adv.
Mr. Ankur Saigal, Adv.
Ms. Aanchal Mullick, Adv.
Ms. Sukriti Bhatnagar, Adv.
Mr. E. C. Agrawala, AOR**

For Respondent(s) Mr. Sanjay Kumar Dubey, AOR

Mr. Chandan Kumar Pandey, Adv.
Ms. Shuchi Singh, Adv.
Mr. Krishna Kant Dubey, Adv.
Mr. Vivek Kumar Pandey, Adv.
Mr. Rakesh Kumar Tewari, Adv.

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

In this case, the cheque was dishonoured on 04.03.2015. A complaint was filed, but the company was not made a party. After the company was directed to be impleaded as party, an application was made for replacement of the cheque with a demand draft covering the value of the dishonoured cheque. However, proceedings continued since the respondent refused to accept the Demand Draft, raising the question of entitlement of interest.

Without going into the technicalities of whether the company could have been directed to be impleaded subsequently, we, in exercise of power under Article 142 of the Constitution, close the proceedings by directing the petitioner(s) to issue a fresh Demand Draft covering the amount of the cheque forthwith within a period of one week from today and make the same over to the respondent No.1.

On issuance of the fresh draft, the Trial Court shall return the original demand drafts to the petitioner(s). Upon payment as directed above, all pending proceedings relating to the dishonoured cheque shall stand disposed of. The concerned Courts may be informed of the order for the purpose of updating the records.

The special leave petition is, accordingly, disposed of.

Pending applications, if any, stand disposed of.

(GULSHAN KUMAR ARORA)
AR-CUM-PS

(MATHEW ABRAHAM)
COURT MASTER (NSH)