

**IN THE SUPREME COURT OF INDIA  
CRIMINAL ORIGINAL JURISDICTION**

Transfer Petition(Criminal) No. 386/2020

M/S BHARAT CONSTRUCTION & ANR.

PETITIONER(S)

VERSUS

THE INDIA CEMENTS LIMITED

RESPONDENT(S)

ORDER

1. The present petition has been filed by the petitioner under Section 406 of Cr.PC praying *inter alia* for transfer of a petition filed by the respondent being C.C. No. 3089/2020, titled as "*The India Cements Limited vs. M/s Bharat Construction & Anr.*" from the Fast Track Court-I, Egmore, Chennai, Tamil Nadu to the Competent Court at District and Sessions Court, Bhubaneswar, Odisha.

2. On 12<sup>th</sup> March, 2021, learned counsel for the petitioner was granted time to obtain instructions from his clients as to whether they were ready and willing to deposit the disputed amount in advance before the Court in Bhubaneswar, Odisha for this Court to consider transferring the complaint case filed by the respondent under Section 138 of the Negotiable Instruments Act from the Fast Track Court-I, Egmore, Chennai, Tamil Nadu to the Competent Court at District and Sessions Court, Bhubaneswar, Odisha.

3. Today, learned counsel for the petitioner states that his client is not in a position to deposit the disputed amount and would rather withdraw the Transfer Petition while reserving the right of his clients as may be available to them before the Competent Court.

4. Leave, as prayed for, is granted.

5. The present Transfer Petition is disposed of as not pressed along with the pending applications, if any.

.....J  
(HIMA KOHLI)

New Delhi  
Date: 29.11.2021.

ITEM NO.8                      Court 17 (Video Conferencing)                      SECTION XVI-A

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

Transfer Petition(Criminal) No. 386/2020

M/S BHARAT CONSTRUCTION & ANR.                      Petitioner(s)

VERSUS

THE INDIA CEMENTS LIMITED                      Respondent(s)

(IA No.130309/2020-FOR EX-PARTE STAY )

Date : 29-11-2021 This petition was called on for hearing today.

CORAM :

HON'BLE MS. JUSTICE HIMA KOHLI

For Petitioner(s)      Mr. Hitendra Nath Rath, AOR  
                                    Dr. M. V. K. Moorth, Adv.

For Respondent(s)

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

The present transfer petition is disposed of as not pressed along with the pending applications, if any in terms of the Signed Order.

(SHRADDHA MISHRA)  
SENIOR PERSONAL ASSISTANT

(Signed Order is placed on the file)

(POONAM VAID)  
COURT MASTER (NSH)