

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.4585-4586 OF 2017

CLEAN COATS PRIVATE LIMITED ...APPELLANT(S)

Vs.

AMARTARA PRIVATE LIMITED ...RESPONDENT(S)

WITH
CIVIL APPEAL NO.4587 OF 2017

CLEAN COATS PRIVATE LIMITED ...APPELLANT(S)

Vs.

M/S. RAVINDRANATH GE MEDICATE ...RESPONDENT(S)
ASSOCIATE PRIVATE LIMITED

O R D E R

CIVIL APPEAL NOS.4585-4586/2017 :

1. We have heard learned counsel for the appellant.
2. We are satisfied, that the discretion exercised by the High Court with reference to declining to allow the appellant any refund of the amount deposited by the respondent, was fully justified in the facts and circumstances of the case. We therefore decline to interfere with the interim order passed by the High Court under the proviso to Section 19 of the Micro, Small and Medium Enterprises Development Act, 2006.
3. The civil appeals are dismissed.

Civil Appeal No.4587/2017 :

1. The appellant assailed the action of the respondent in not making a deposit of 75%, in consonance with Section 19 of the Micro, Small and Medium Enterprises Development Act, 2006, at the time when the appeal was preferred.

2. It is not a matter of dispute, that the aforesaid amount of 75% has since been deposited by the respondent, out of which the appellant herein has been permitted to withdraw 50% of the amount, under the proviso to Section 19 of the 2006 Act, by the Appellate Authority.

3. For the reasons recorded hereinabove, we are satisfied, that the issue canvassed by the learned counsel for the appellant is now purely academic. Therefore, while disposing of the present controversy, it is not necessary for us to deal with that issue, on merits.

4. The civil appeal is disposed of in the above terms.

.....CJI.
[JAGDISH SINGH KHEHAR]

.....J.
[Dr. D.Y. CHANDRACHUD]

.....J.
[SANJAY KISHAN KAUL]

New Delhi;
12th April, 2017.

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

Civil Appeal No(s) .4585-4586/2017

CLEAN COATS PVT LTD

Appellant(s)

VERSUS

AMARTARA PVT LTD

Respondent(s)

(With interim relief and office report)

WITH C.A.No.4587/2017-(With Interim Relief and Office Report)

Date : 12/04/2017 These appeals were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

For Appellant(s)	Mr. J.P. Cama, Sr. Adv. Mr. Syed Naqvi, Adv. Mr. Rajesh Kumar, Adv. Mr. Mayan Prasad, Adv.
For Respondent(s)	Mr. C.U. Singh, Sr. Adv. Mr. Vinay Navare, Adv. Mr. Vishal Thalsani, Adv. Ms. Gwen Karthika, Adv. Mr. Ravindra Chingale, Adv. For Ms. Abha R. Sharma, Adv. Mr. Ashok Gupta, Sr. Adv. Mr. R.M. Aggarwal, Adv. Mr. Sidharth Aggarwal, Adv. For Dr. Kailash Chand, Adv.

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

Civil appeal Nos.4585-4586/2017 are dismissed and Civil Appeal No.4587/2017 is disposed of in terms of the signed order.

(Sarita Purohit)
Court Master

(Renuka Sadana)
Assistant Registrar

(Signed order is placed on the file)