

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.3860-3861 OF 2017  
(Arising out of S.L.P. (CIVIL) NOS.32897-32898 OF 2016)

City and Industrial Development  
Corporation (Maharashtra) Ltd.  
(CIDCO) and Ors.

...Appellant(s)

VS.

South Indian Education Society

...Respondent(s)

O R D E R

1. Leave granted.
2. Mr. Raju Ramachandran, learned senior counsel appearing on behalf of the respondent, at the outset, gave a proposal that the respondent without prejudice to their rights to contest the issue, shall deposit the entire amount of Rs.1,48,00,000/- (Rupees One crore and forty eight lakhs) with the appellants and on such deposit being made, the appellants shall issue a show cause notice to the respondent so as to enable the respondent to submit their explanation/reply to the show cause. The appellants then shall pass a reasoned order on the show cause in accordance with law.

3) Learned counsel for the appellants has no objection to the proposal made by learned senior counsel for the respondent.

4) In the light of this, we need not decide the appeals on merits.

5) We, accordingly direct that the respondent shall deposit the entire amount of Rs.1,48,00,000/- (Rupees One crore and forty eight lakhs) which is demanded by the appellants from the respondent within two weeks from today. Thereupon the appellants shall issue provisional 'No Dues Certificate' and 'No Objection Certificate' to the respondent within a week from the date of said deposit.

6) Show cause notice would then be issued by the appellants to the respondent within a week after the deposit of the entire amount is made by the respondent in relation to the disputed cause.

7) The respondent shall then submit their reply within three weeks from the date of receipt of show cause.

8) The appellants shall then pass a reasoned order on the show cause notice proceedings within two weeks from the date of submission of reply by the respondent in accordance with law.

9) In the event, the respondent suffers any adverse order in the proceedings, they will be at liberty to take such legal proceedings as may be available to them in appropriate forum.

10) The deposit and issue of certificates would be subject to final result of the show cause proceedings.

11) We, however, make it clear that the findings recorded by the High Court in the impugned order shall not influence the parties while deciding the show cause notice proceedings.

12) The appeals stand accordingly disposed of in the above terms.

13) Pending applications also stand accordingly disposed of.

.....J.  
[R.K. AGRAWAL]

.....J.  
[ABHAY MANOHAR SAPRE]

New Delhi;  
March 6, 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

Petition(s) for Special Leave to Appeal (C) Nos.32897-32898/2016

(Arising out of impugned final judgment and orders dated 08/09/2016 in CA No. 1601/2016 in WP No.7458/2014 and dated 05/10/2016 in RPST No. 26951/2016 in CA No. 1601/2016 in WP No. 7458/2014 passed by the High Court of Judicature at Bombay)

CITY AND INDUSTRIAL DEVELOPMENT CORPORATION  
(MAHARASHTRA) LTD. (CIDCO) AND ORS.

Petitioner(s)

VERSUS

SOUTH INDIAN EDUCATION SOCIETY

Respondent(s)

(With appln. (s) for exemption from filing c/c of the impugned judgment and exemption from filing O.T. and permission to file additional documents and interim relief and office report)

Date : 06/03/2017 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.K. AGRAWAL  
HON'BLE MR. JUSTICE ABHAY MANOHAR SAPRE

For Petitioner(s) Mr. Shekhar Naphade, Sr. Adv.  
Mr. Ashish Wad, Adv.  
Ms. Jayashree Wad, Adv.  
Ms. Paromita Majumdar, Adv.  
Ms. Jaya Khanna, Adv.  
For M/s. J. S. Wad & Co., Adv.

For Respondent(s) Mr. Raju Ramachandran, Sr. Adv.  
Ms. Nandini Menon, Adv.  
Mr. S. Udaya Kumar Sagar, Adv.  
Ms. Bina Madhavan, Adv.  
Ms. Akanksha Mehra, Adv.  
Mr. Mritunjai Singh, Adv.  
For M/s. Lawyer S Knit & Co, Adv.

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

Leave granted.

The appeals are disposed of in terms of the signed order.

(Anita Malhotra)  
Court Master

(Chander Bala)  
Court Master

(Signed order is placed on the file.)