

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 1598 OF 2020
(Arising out of SLP (C) No. 234/2017)

M/S. PANEM CASTINGS PVT. LTD.

Appellant(s)

VERSUS

PURVANCHAL VIDYUT VITRAN NIGAM LTD. & ANR.

Respondent(s)

O R D E R

1) Leave granted.

2) Having heard the learned counsel for both sides, we have perused the no dues certificate dated 20.02.2007. The present dues are stated to be for the years 1999 to 2003. The aforesaid no dues certificate states as follows:

"Office of Executive Engineer
Electricity Distribution Division,
Purvanchal Vidyut Vitran Nigam Limited,
Fatehpur

Letter No. 227/Vi.V.Khhan.Dwi.Fa./ Date 20.02.2007

Subject: Certificate regarding non-dues payment

Panem Casting
Chaudagar, Mudhrauli,
Cahudagar, Fatehpur

Please refer to your letter dated 11.01.07. In this regard it is apprised that except surety amount, no other dues are payable and all cheques/drafts have been cleared by the bank."

Sd/-
(P.Ram)
Executive Engineer"

3) The only case of the respondent is that 3 cheques all of the year 2000 have bounced as a result of which Rs. 10.30 lakhs is payable by the appellant. This case has no legs to stand on given the no dues certificate which is categorical about the fact that not only are there no dues payable but that all cheques have been cleared till that date. Quite apart from this, the demand that was made was raised only on 02.06.2016 extremely belatedly. In view of these two grounds, the impugned judgment of the High Court is not correct and is accordingly set aside.

4) The appeal is allowed in the aforesaid terms.

..... J.
(ROHINTON FALI NARIMAN)

..... J.
(S. RAVINDRA BHAT)

New Delhi;
February 14, 2020.

ITEM NO.26

COURT NO.4

SECTION III-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

SLP (Civil) No(s). 234/2017

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PURVANCHAL VIDYUT VITRAN NIGAM LTD. & ANR.

Respondent(s)

(IA No. 180924/2019 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 14-02-2020 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN
HON'BLE MR. JUSTICE S. RAVINDRA BHAT

For Appellant(s) Mr. Ashish Dholakia, Adv.
Mr. Gautam Bajaj, Adv.
Mr. P. S. Sudheer, AOR
Mr. Rishi Maheshwari, Adv.
Mr. Bharat Sood, Adv.
Ms. Shruti Jose, Adv.

For Respondent(s) Mr. Rakesh Uttamchandra Upadhyay, AOR
Ms. Aarti Upadhyay, Adv.
Mr. Akash Sharma, Adv.

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

Leave granted.

The appeal is allowed in terms of the signed order.

Pending application stands disposed of.

(R. NATARAJAN)
AR CUM PS

(NISHA TRIPATHI)
BRANCH OFFICER

(Signed order is placed on the file)