

ITEM NO.1 Court 1 (Video Conferencing) SECTION IX

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 (C) No(s).8477/2020

(Arising out of impugned final judgment and order dated 16-12-2019 in CA No.8419/2019 passed by the High Court of Judicature at Bombay at Aurangabad)

M/S S.D. SHINDE AND COMPANY Petitioner(s)

VERSUS

GODAVARI MARATHWADA IRRIGATION DEVELOPMENT CORPORATION

Respondent(s)

(ONLY OFFICE REPORT FOR DIRECTIONS TO BE LISTED BEFORE THE HON'BLE COURT)

Date : 03-02-2022 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE A.S. BOPANNA
HON'BLE MS. JUSTICE HIMA KOHLI

For Petitioner(s) Mr. J.N Singh, Adv.
Ms. Sadhna Singh, Adv.
Mr. Yashodeep Deshmukh, Adv.
Mr. Saurabh Mishra, AOR

For Respondent(s) Mr. Uday B. Dube, AOR

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

The Court is convened through Video Conferencing.

This Court on 25.08.2020 passed the following order:

"Application seeking exemption from filing certified copy of the impugned Judgment is allowed.

Learned counsel appearing for the petitioner submits that he is willing to furnish bank guarantee for the rest of the amount which he is claiming.

Taking into consideration the said statement made by the learned counsel appearing for the petitioner, let notice be issued in the matter.

Dasti service, in addition, is permitted.”

When the matter was listed before the learned Registrar on 18.12.2020, the following order was passed:

“Ld. Counsel for the sole respondent, Mr. Kaustubh Dube submits that vakalatnama has been filed and seeks time for filing counter affidavit.

Record would indicate that vide order dt.25.8.2020 it was noted by the Hon’ble Court that ld. Counsel for the petitioner is willing to furnish the Bank Guarantee for the rest of the amount which is being claimed and notice was ordered to be issued. In this regard, ld. Counsel for the petitioner submits that the petitioner was never directed to furnish the Bank Guarantee and only the willingness was shown to the Court that petitioner is willing to furnish the Bank Guarantee and on that submission the Hon’ble Court has issued the notice.

I am of the considered opinion that in terms of the order dt.25.8.2020, petitioner was supposed to furnish the Bank Guarantee for the rest of the amount which the petitioner is claiming, which admittedly has not been furnished till date. That being so, registry to process the matter for listing before the Hon'ble Court as per rules for directions.”

Heard learned counsel appearing on behalf of the petitioner and carefully perused the material placed on record.

Taking into consideration the fact that the notice was ordered based on the willingness to deposit and the petitioner has not furnished the bank guarantee so far, the special leave petition stands dismissed for non-compliance of order dated 25.08.2020.

(SATISH KUMAR YADAV)
DEPUTY REGISTRAR

(R.S. NARAYANAN)
COURT MASTER (NSH)

