

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 2479/2021
(Arising out of SLP(C) No.5841/2021)

RAMESH KHUBCHAND BAJAJ

Appellant(s)

VERSUS

SHAKIR ASMAT IFTEKHARI

Respondent(s)

O R D E R

Leave granted.

Learned counsel for the respondent accepts notice.

We may note at the inception that the impugned order being an interim order, normally we would loath to interfere with the same but for the fact it works out, grave inequities and injustice to the respondent in terms of payment of interim compensation/licence fee pending consideration of the writ petition filed by the respondent.

The admitted position is that the respondent failed before two judicial forums and then assailed the proceedings before the High Court by a writ petition.

The Leave and License Fee Agreement for 36 months, 'clause 3' reads as under:

"3. The licensee shall pay to the licensor a license fee of Rs. 50,000/- (Rupees fifty Thousand only) for month for such license granted to them for first twelve months and then an increment of 10% after expiry of every twelve months i.e. Rs. 56,000/- per month for the next term of twelve months and Rs.

60,500/- per month for the last term of 12 months. The said license fee shall be payable in advance by 20th of every English calendar month."

The aforesaid shows the license charges would be Rs.60,500/- in July, 2013. At that stage in terms of 'Clause 3', the increase permissible is 10% for every 12 months thereupon.

In terms of the impugned judgment, the High Court has merely granted Rs. 20,000/- as licence fee, for which there is no basis.

We are of the view that the interim compensation/licence fee is liable to be calculated in terms of 'clause 3' of the Leave and License Fee Agreement, i.e., @ 10% increase for every 12 months. The amount be so quantified by the appellant, after adjusting the amount already paid. The details be sent to the respondent for remitting the amount, which amount shall be remitted within a period of two months thereafter. In case the respondent fails to remit the amount, the interim order of stay shall stand vacated.

The appeal is allowed in the aforesaid terms, leaving the parties to bear their own costs.

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

.....J.
[HEMANT GUPTA]

ITEM NO.3 Court 7 (Video Conferencing) SECTION IX

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) No(s). 5841/2021

(Arising out of impugned final judgment and order dated
15-01-2020 in WP No. 350/2020 passed by the High Court Of
Judicature At Bombay)

RAMESH KHUBCHAND BAJAJ

Petitioner(s)

VERSUS

SHAKIR ASMAT IFTEKHARI

Respondent(s)

(FOR ADMISSION and I.R. and IA No.51389/2021-EXEMPTION FROM
FILING C/C OF THE IMPUGNED JUDGMENT and IA No.51390/2021-
EXEMPTION FROM FILING O.T. and IA No.53715/2021-APPLICATION FOR
PERMISSION)

Date : 12-07-2021 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE HEMANT GUPTA

For Petitioner(s) Mr. Dilip Annasaheb Taur, AOR

For Respondent(s) Mr. D.M. Nargolkar, Sr. Adv.
Mr. Soumik Ghosal, AOR
Mr. Gaurav Singh, 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 leaving the parties to bear their own costs.

Pending applications stand disposed of.

[CHARANJEET KAUR]
ASTT. REGISTRAR-cum-PS

[POONAM VAID]
COURT MASTER (NSH)

[Signed order is placed on the file]