

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). 7962 OF 2023
(ARISING OUT OF S.L.P (CIVIL) NO(S).1330/2017)

M/S SOMA ISOLUX NH ONE TOLLWAY PRIVATE LIMITED APPELLANT(S)

VERSUS

HARISH KUMAR PURI (DEAD) THRU. LR. & ORS. RESPONDENT(S)

O R D E R

Leave granted.

Heard the learned counsel appearing for the appellant.

We have perused the impugned order passed by the High Court. A *prima facie* finding has been recorded by the High Court that there was a delay on the part of the appellant in completing the work of construction of a stretch of road measuring 22.1 kms.

The High Court in the impugned order has recorded that it was the appellant who requested for time to file an application with better particulars for the purposes of furnishing the time frame for completion. The High Court permitted the appellant to file such application subject to payment of Rs.5,00,000/- (Rupees Five Lakhs) as deposit towards costs with the Registry.

The learned counsel appearing for the appellant states that now the project has been completed. It is for the appellant to place necessary material in that behalf before the High Court in the pending Public Interest Litigation (PIL). We, therefore, do not find any fault with the impugned order of the High Court directing deposit of a sum of Rs.5,00,000/- (Rupees Five Lakhs) by the appellant towards costs. However, we clarify that the said amount shall remain deposited with the Registry of the High Court

and the same shall be invested in a fixed deposit till the disposal of the PIL. At the time of disposal of the PIL, the High Court will take a call on the issue whether the PIL petitioner is entitled to costs.

As regards delay in completing the work, we find that the High Court has not recorded any final conclusion regarding delay. What is recorded in the impugned order is only a *prima facie* conclusion of the High Court.

We permit the appellant to file an affidavit before the High Court for raising a contention that the work has been completed.

As observed earlier, the findings in the impugned order are *prima facie* findings and the High Court will decide the main PIL on its own merits and in accordance with law.

Subject to the above modification, the Appeal is disposed of. We grant time of six weeks to the appellant to deposit the amount of Rs.5,00,000/- (Rupees Five Lakhs) with the Registry of the High Court. The Registry of the High Court shall invest the same in a fixed deposit with any nationalised bank.

.....J.
(ABHAY S.OKA)

.....J.
(DIPANKAR DATTA)

NEW DELHI;
DECEMBER 05, 2023.

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). 1330/2017

(Arising out of impugned final judgment and order dated 21-11-2016 in CWP No. 13848/1998 passed by the High Court of Punjab & Haryana At Chandigarh)

M/S SOMA ISOLUX NH ONE TOLLWAY PRIVATE LIMITED Petitioner(s)

VERSUS

HARISH KUMAR PURI (DEAD) THRU. LR. & ORS. Respondent(s)

Date : 05-12-2023 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE DIPANKAR DATTA

For Petitioner(s) Mr. Rahul Pratap, AOR
 Mr. Aashish Jha, Adv.
 Ms. Barnali Chowdhury, Adv.

For Respondent(s) Dr. Monika Gusain, AOR

 Ms. Madhu Sweta, Adv.
 Ms. Shivangi Khanna, Adv.
 Ms. Astha Tyagi, AOR

 Mr. Pawan R Upadhyay, Adv.
 Ms. Sharmila Upadhyay, Adv.
 Mr. Sarvjit Pratap Singh, Adv.
 Ms. Gargi Mishra, Adv.
 M/S. UNUC LEGAL LLP, AOR

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

Leave granted.

The Appeal is disposed of in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

(ASHISH KONDLE)
COURT MASTER (SH)

(AVGV RAMU)
COURT MASTER (NSH)

[THE SIGNED ORDER IS PLACED ON THE FILE]