

ITEM NOS.6+46 Court 14 (Video Conferencing) SECTION XII-A

**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). 5166/2021

(Arising out of impugned final judgment and order dated 29-01-2021 in WP No. 38358/2018 passed by the High Court For The State Of Telangana At Hyderabad)

**TELANGANA STATE INDUSTRIAL INFRASTRUCTURE CORPORATION LIMITED**

**PETITIONER(S)**

**VERSUS**

**ITC LIMITED & ORS.**

**RESPONDENT(S)**

(FOR ADMISSION and I.R. and IA No.45366/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT )

**WITH**

**SLP(C) No. 11939/2021 (XII-A)**

(IA No.92513/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.92516/2021-EXEMPTION FROM FILING AFFIDAVIT)

Date : 29-11-2021 These petitions were called on for hearing today.

**CORAM : HON'BLE MR. JUSTICE AJAY RASTOGI**  
**HON'BLE MR. JUSTICE ABHAY S. OKA**

**For the Parties**

**Mr. C.S. Vaidyanathan, Sr. Adv.**  
**Mr. S. Udaya Kumar Sagar, AOR**  
**Ms. Bina Madhavan, Adv.**  
**Ms. Sweena Nair, Adv**  
**Mr. Tushar Gupta, Adv.**

**Mr. Guru Krishnakumar, Sr. Adv.**  
**Mr. Ajay Aggarwal, Adv.**  
**Mr. Rajan Narain, AOR**

**Mr. S. Chakraborty, Sr Adv**  
**Mr. Arup Banerjee, AOR**  
**Mr. Sanjeev Sharma adv.**  
**Mr. R.K.Dey. Adv.**

**Mr. Mahfooz Ahsan Nazki, AOR**  
**Mr. Polanki Gowtham, Adv**  
**Mr. Shaik Mohamad Haneef, Adv**  
**Mr T. Vijaya Bhaskar Reddy, Adv**  
**Mr. K.V. Girish Chowdary, Adv**

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

Both these Special Leave Petitions have been preferred against the self same impugned judgment passed by the High Court of Telangana at Hyderabad dated 29.01.2021. The operative part of the judgment is reproduced hereunder:

"53. Accordingly, we are of the considered opinion that applying the Proviso to Sub-Section (1) of Section 53 of the Act, since the APIIC was an Undertaking which had become inter-State by virtue of the provisions of the Part II of the Act, i.e., the reorganization of the State of Andhra Pradesh, the assets and liabilities of the Head Quarters of the APIIC which received the payment of Rs.4.5 Crores on 31.05.2007 from the petitioner would have to be apportioned between APIIC and TSIIC in the ratio 58.32 : 41.68 as mentioned in Section 2(h) of the Act with interest thereon at 12% per annum from the said date till the date of payment.

54. Accordingly, the Writ Petition is allowed and the amount of Rs.4.5 Crores paid by the petitioner on 31.05.2007 shall be refunded by APIIC (4<sup>th</sup> respondent) and TSIIC (5<sup>th</sup> respondent) in the the ratio of 58.32 : 41.68 with interest at 12% per annum from the date of deposit of the said amount by the petitioner, i.e., 31.05.2007 till the date of actual payment to the petitioner, which shall be made within four weeks from the date of receipt of a copy of this order. Both respondents 4 and 5 shall also pay costs of Rs.10,000/- each to the petitioner."

The Telangana State Industrial Infrastructure Corporation Limited and Andhra Pradesh Industrial Infrastructure Corporation

Limited, both are in Special Leave Petition questioning their inter se rights/claim over the directions issued by the High Court under the impugned judgment.

It has not been disputed by either of the petitioners that so far as the amount which has been quantified and refundable to the respondent (ITC Limited) is not under dispute. However, the question which has been raised by both the petitioners inter se is in respect to their liability to refund the amount to the respondent no.1 (ITC).

The judgment passed by this Court in Civil Appeal No. 317 of 2021 dated 17.02.2021 has also been brought to our notice.

After we have heard learned Counsel for the parties, we find no reason to interfere in our jurisdiction under Article 136 of the Constitution. Consequently, both the Special Leave Petitions are dismissed.

The payment shall be made over by the respective petitioners to the respondent no.1- ITC in terms of impugned judgment dated 29.01.2021 within a period of eight weeks, failing which it shall carry interest @ 18% until its actual claim/payment.

However, both the petitioners are at liberty to settle their *inter se* claims in the independent proceedings if advised in accordance with law.

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

(POOJA SHARMA)  
COURT MASTER (SH)

(BEENA JOLLY)  
COURT MASTER (NSH)