

ITEM NO.19

COURT NO.2

SECTION XVI

**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). 1094-1096/2023

(Arising out of impugned final judgment and order dated 03-11-2022 in CAN No. 2/2020 in MAT No.1069 of 2015, CAN No. 2/2020 in MAT No.1129/2015 & CAN No. 2/2020 in MAT No.1309/2015 passed by the High Court At Calcutta)

**BALAJI ENTERPRISES**

**Petitioner(s)**

**VERSUS**

**WEST BENGAL HOUSING INFRASTRUCTURE  
DEVELOPMENT CORPORATION LIMITED & ORS.**

**Respondent(s)**

**( IA No.9233/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED  
JUDGMENT )**

**Date : 23-01-2023 These petitions were called on for hearing today.**

**CORAM : HON'BLE MR. JUSTICE SANJAY KISHAN KAUL  
HON'BLE MR. JUSTICE ABHAY S. OKA**

**For Petitioner(s) Mr. Dama Seshadri Naidu, Sr. Adv.  
Mr. Umang Shankar, AOR  
Ms. Poorna Chandran, Adv.**

**For Respondent(s)**

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

**We put to learned counsel for the petitioner as to why the  
petitioner has assailed the order when the impugned order(s) are in  
his favour.**

**The only reason stated for the same is that the HIDCO has now  
filed a suit in which the petitioner has filed an application under  
Order VII Rule 11 of the Code of Civil Procedure which issue is**

pending before the High Court in a revision petition.

It is thus prayed that whichever way the Order VII Rule 11 application fate ends, if the suit has to continue in case of an adverse order, nothing is said in the impugned order should effect the rights and contention of the parties.

We, thus, dispose of the special leave petitions with the aforesaid clarification as that suit will be determined on merits *dehors* any observation made against the petitioner even though the judgments are in favour of the petitioner.

Pending application(s) stands disposed of.

(RASHMI DHYANI PANT)  
COURT MASTER

(POONAM VAID)  
COURT MASTER