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HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No.502 of 2015**

M/s Ind Barath Energies Limited Now M/s Ind Barath Energies (Chattisgarh) Limited , Through Its Chairman - Cum - Managing Director And Authorized Signatory Shri Raghurama Krishna Raju S/o Shri K.K.V.S. Suryanarayana Raju Aged About 53 Years R/o Plot No. 30-A, Road No. 1, Film Nagar, Jabilee Hills Hyderabad, Through Authorized Signatory Shri N.S. Murthy, S/o Shri Laxmi Narayan, Age 62 Years, Vice President M/s Ind Barath Energies Limited Now M/s Ind Barath Energies Chhattisgarh) Limited, Having Its Registered Office At I -1,

---- Petitioner

Versus

M/s Powersol Engineers And Cionsultants Private Limited S/o Gurughasidas Plaza, Ama Para, G.E. Road, Raipur Chhattisgarh

---- Respondent

For Petitioner	:	Shri Rahul Tamaskar, Advocate
For Respondent	:	Ms. Meha Kumar, Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****01/04/2016**

Heard.

2. This petition has been filed being aggrieved by order dated 08-01-2015, by which, petitioner's prayer to hear the appeal on merits on depositing bank guarantee has been rejected and the petitioner has been directed to pay the balance amount/third installment.

3. Learned counsel for petitioner submits that the petitioner is suffering serious financial crisis and for that reason, he could only deposit the first and second installment out of Rs.29,22,244/-. However, there is serious difficulty on the part of the petitioner in depositing third installment, therefore, prayer was made by the petitioner to permit him to furnish bank guarantee instead of actual deposit.

4. On the other hand, learned counsel for respondent opposed the prayer and submits that on petitioner's own prayer, he was allowed to pay the amount of pre-deposit in third installment.

5. Unless the whole amount is deposited, the petitioner is not entitled for hearing. Statutory requirement of deposit cannot be waived nor substituted by offering bank guarantee.

6. Therefore, the petition in that regard is misconceived in law and no relief can be granted to the petitioner. However, taking into consideration that out of Rs.21,91,683/- being 75% of the total amount under the award as pre-deposit, the petitioner has, by now, deposited 2/3rd of the same, in the interest of justice, some more time may be granted to the petitioner to deposit the remaining amount, so that his appeal can be considered on merits by the appellate authority.

7. Considering the submission made above, further time of two months is granted to the petitioner to deposit the balance amount. It is made clear that unless the entire amount is deposited, the appeal of the petitioner cannot be entertained on merits.

8. With the aforesaid observation/direction, this petition is finally disposed off.

Sd/-
Manindra Mohan Shrivastava
Judge