IN THE HIGH COURT OF MEGHALAYA AT SHILLONG

: ORDER:

MC (WA) No.21 of 2017

The Chairman Coal India Limited Applicants

-Versus-

Cement Manufacturing Co. Ltd & Meghalaya Cements Limited

..... Respondent

Date of Order: :: 31.05.2017

PRESENT HON'BLE SHRI JUSTICE DINESH MAHESHWARI, CHIEF JUSTICE HON'BLE SHRI JUSTICE VED PRAKASH VAISH

Shri MZ Ahmed, Sr. Adv, with Shri AM Dutta, for the applicants Shri K Choudhury, for the respondents

BY THE COURT: (per Hon'ble the Chief Justice) (Oral)

By way of this application, the appellants of WA Nos.1 and 2 of 2014 seek enlargement of time for completion of the process of settlement that was ordered to be completed in any case before 31.05.2017 i.e., today.

In this application seeking enlargement of time, after narrating the contents of the order passed by this Court on 29.09.2016, only this much is stated towards the ground for enlargement:-

"12. That both the parties have since had several sittings with a view to genuinely settle the respective disputes amicably, but for some reasons or other, final settlement is yet to be arrived at in both the cases, and in that view of the matter, your humble applicants submit that it is necessary that this Hon'ble Court grants a minimum of 6 months time to arrive at an amicable settlement in terms of Clause 14.3 of the concerned Agreements."

The averments aforesaid are obviously vague and bereft of particulars and even on our queries, learned counsel for the applicants/appellants is also not in a position to precisely state as to

what has transpired between the parties until now and why the matter has not been concluded yet.

Learned counsel for the respondent submits that time may be enlarged as prayed for but for a shorter period of about three months.

Though necessary particulars are not forthcoming from either of the parties but having regard to the totality of facts and circumstances, we deem it just and proper to enlarge the time for completion of the process contemplated by the order dated 29.09.2016 by another four months while also extending the period of the validity of the Bank Guarantee, which was earlier ordered to be kept alive and renewed until 30.06.2017.

Accordingly, this application is allowed in the manner that the time for concluding the proceedings in terms of Clause 14.3 of the agreement is enlarged and the parties are permitted to complete the process of settlement of the dispute on or before 30.09.2017.

The Bank Guarantee relating to WA No.2 of 2014 shall be kept alive and renewed until 31.10.2017.

With such enlargement of time in modification of the order dated 29.09.2016, this application stands disposed of.

JUDGE

CHIEF JUSTICE

<u>Lam</u>

Item No.3