

**SUPREME COURT OF INDIA**

Mahesh Udyog

Vs.

Agriculture Produce Mark.Commtt.

C.A.Nos.4683-4685 of 2008

(Tarun Chatterjee J.)

25.07.2008

**ORDER**

1. Leave granted.

2. In these appeals, M/s. Mahesh Udyog & Anr. have challenged an interim order dated 8th of January,2008 in C.M.P. No. 2666 of 2007, which arose out of C.W.P.No. 1669 of 2007, passed by the Division Bench of the High Court of Himachal Pradesh at Shimla. While issuing notice, this Court passed the following order:- "Delay condoned. Issue notice, returnable within two weeks, on the special leave petition as well as on the prayer for interim relief. Dasti, in addition, is permitted. However, we keep on record that Mr. P.P. Rao, learned Senior Counsel appearing for the petitioners submits before us that although the Bank Guarantee was furnished, it was not accepted because of delay in submission of the same."

3. Mr. Rao, learned senior counsel appearing for the appellants, submitted before us that the Bank Guarantee in question has already been furnished by the appellants. The learned counsel appearing for the respondents could not dispute this factual position.

4. Having heard the learned counsel appearing for the parties and after going through the impugned order, we are of the view that since the Writ Petition itself is pending final adjudication before the High Court, only order that can be passed in this appeal is to request the High Court to dispose of the same at an early date preferably within three months from the date of communication of this order, without being influenced by any order passed by this Court and that, till the disposal of the Writ Petition by the High Court, direction to deposit penalty amount by the authorities shall remain stayed.

5. With this direction, the appeals are disposed of. There shall be no order as to costs.

6. We make it clear that we have not gone into the merits of the Writ Petition, which shall be decided by the High Court in accordance with law.