

(2021) 04 SHI CK 0262

In the High Court Of Himachal Pradesh

Case No : Latter Patent Appeals No. 38 Of 2021

Union Of India And Ors

APPELLANT

Vs

M/S Sozin Flora Pharma

RESPONDENT

Date of Decision : 28-04-2021

Acts Referred:

Citation : (2021) 04 SHI CK 0262

Hon'ble Judges : L. Narayana Swamy, CJ;Anoop Chitkara, J

Bench : Division Bench

Advocate : Balram Sharma, Abhishek Sethi

Final Decision : Disposed Of

Judgement

L. Narayana Swamy, CJ

1. Against the interim order dated 06.01.2021 granted by the learned Single Judge, this appeal under Clause 10 of the Letters Patent Act has been filed.

2. In the interim order passed by learned Single Judge, the petitioner has been permitted to deposit 1.5 crores and the appellants-respondents has been directed to issue 'No Objection Certificate' of Discharge of Export Obligation in terms of the said order.

3. The case of the appellants is that as per the Policy, respondent is supposed to deposit an amount of Rs.3,36,56,452/-. Under these circumstances, the order passed by learned Single Judge does not require any interference by this Court.

4. We have heard learned counsel for the parties.

5. The main relief sought by the respondent-petitioner is still pending and it is only against an interim order passed by learned Single Judge that this appeal has been preferred. The dispute inter-se parties in the proceedings is only qua the quantum of amount.

6. As per the respondent-petitioner, he is supposed to deposit 1.5 crores. On the

other hand, the case of the appellants is that he has to deposit Rs.3,36,56,452/-. It has also been observed by the learned Single Judge that the authority concerned would take an undertaking from the respondent/petitioner on an affidavit that in case, petition having been filed by him before this Court is dismissed, he would make payment qua remaining amount forthwith.

7. When this liberty is given to the appellants, we are of the opinion that it is not a case which requires interference by this Court. When an ex-parte interim order is passed, it is always open for the respondents to make a necessary application for vacation or modification thereof. Here in this case, the learned Single Judge has heard both the parties and has also referred that the appellants-respondents have not filed any objections to the application for interim order. Even then, it does not prevent the appellants from making necessary applications for vacation or modification of the same.

8. Under these circumstances, we dispose of this appeal, reserving liberty to the appellants-respondents to make necessary applications before the learned Single Judge. If such applications are made, it is for the learned Single Judge to consider and decide the same and also to pass appropriate orders thereon. Pending application(s), if any, shall also stand disposed of.