

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

MISCELLANEOUS APPLICATION Diary No(s).56638/2026

[Arising out of impugned final judgment and order dated 18-11-2014 in C.A. No. No. 10429/2014 18-11-2014 in C.A. No. No. 10430/2014 passed by the Supreme Court of India]

M/S BHARAT HEAVY ELECTRICALS LIMITED

Applicant/Appellant (s)

VERSUS

B. SAROJA DEVI (DEAD)

Respondent(s)

IA No. 280109/2026 - APPLICATION FOR SUBSTITUTION

IA No. 280105/2026 - CLARIFICATION/DIRECTION

IA No. 294190/2026 - CONDONATION OF DELAY IN FILING

Date : 16-10-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE MANOJ MISRA

HON'BLE MR. JUSTICE NONGMEIKAPAM KOTISWAR SINGH

For Petitioner(s) : Mr. Tushar Mehta, Solicitor General

Mr. Sourav Roy- 2898, AOR

Mr. Anshu Deshpande, Adv.

Mr. Harsh Anand, Adv.

Mr. Tejas S.r., Adv.

Ms. Marsha Joslyn Goveas, Adv.

Mr. Manish Malhotra, Adv.

For Respondent(s) :

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

1. These applications seek clarification of the order dated 18.11.2014 in Civil Appeal Nos. 10429-10430 of 2014.

2. As the Respondent B. Saroja Devi is no more alive, an application has been submitted for substituting the legal representatives of the deceased-Respondent.

3. Let notice be issued to the legal representatives of the deceased-Respondent mentioned in paragraph 3 of I.A. No. 280109/2026, returnable in six weeks.

4. On the necessity for clarification, on behalf of the applicant - M/S Bharat Heavy Electricals Limited, it is submitted that the suit(s) for specific performance instituted by the applicant was decreed by the trial court. Aggrieved by the decree, the defendant-Respondent preferred Regular First Appeal(s) (i.e. RFA No.608/2002 and RFA No. 609/2002) before the High Court. The High Court *vide* its order dated 31.05.2012 affirmed the decree of specific performance but enhanced the amount payable to the judgment debtor to Rs. 2 crores in each of the appeals, totaling Rs. 4 crores.

5. Aggrieved by such enhancement in the amount payable, the applicant preferred C.A Nos 10429-10430/2014 and aggrieved by confirmation of the decree of specific performance, the defendant-Respondent preferred C.A. Nos. 10431-10432/2014. Both sets of appeals came to be disposed of by this Court *vide* order dated November 18, 2014.

6. The grievance of the applicant is that though the operative part of the order dated 18.11.2014 sets aside the common impugned judgment dated 31.05.2012 of the High Court in RFA Nos. 608/2002 and 609/2002 and directed that both appeals shall stand remitted to the High Court for its decision on the question of award of compensation after hearing both sides, the respondent is seeking to

interpret this Court's order as one whereunder the decree of specific performance has been set aside and only award of compensation is to be considered. According to the applicant, this confusion has arisen on account of a confusing statement in the order dated 18.11.2014 wherein, while disposing of the appeals, this Court had observed:

"Having heard learned counsel for the parties, we are of the view that while coming to conclusion that no case is made out to direct specific performance of contract but to award compensation, the quantum should be arrived at based on certain factors such as the amount for which the contract for the agreement was reached between the parties, the number of years passed in the meantime, who was responsible for such delay etc..."

(Emphasis supplied)

7. It has been urged that the High Court had not denied specific performance of the contract rather the decree of specific performance was affirmed; only to balance the equities, the High Court had enhanced the compensation payable to the respondent and, therefore, the following observation: *"while coming to the conclusion that no case had been made out to direct for specific performance of contract"* is incorrect in the order dated 18.11.2014, and the same is being wrongly interpreted by the other side to seek eviction of the applicant from the premises by serving a notice upon the applicant, and filing a writ petition for

appellant's eviction.

8. It has also been submitted that RFA Nos.608/2002 and 609/2002 are still pending before the High Court and, therefore, it would be in the interest of justice that the order dated 18.11.2014 which carries an inadvertent mistake is clarified/corrected.

9. Issue notice, on the application(s) for condonation of delay as well as on the Miscellaneous Applications, returnable in six weeks.

(CHETAN ARORA)
ASTT. REGISTRAR-cum-PS

(SAPNA BANSAL)
COURT MASTER (NSH)