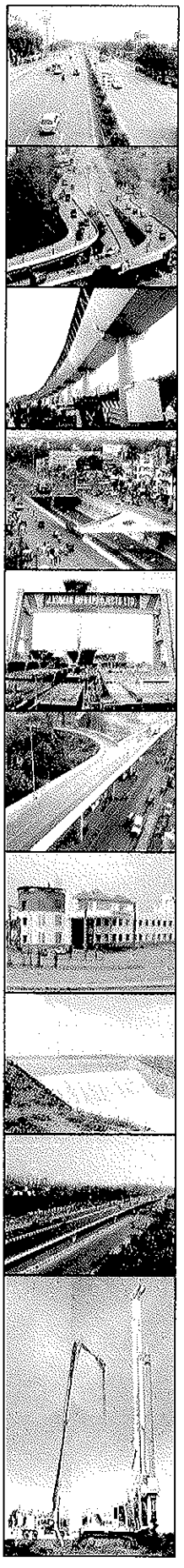
J. Kumar Infraprojects Ltd.
We dream ... So we achieve...

Regd. Off.: 16-A, Andheri Industrial Estate, Veera Desai Road, Andheri (W), Mumbai - 400053. INDIA
Ph.: +91-22-6774 3555. Fax+91-22-2673 0814. E-mail : info@jkumar.com Website : www.jkumar.com
CIN No. : L74210MH1999PLC122886

Since 1980
J. Kumar
ISO 9001:2008
ISO 14001:2004
OHSAS 18001:2007



To,

The General Manager
Department of Corporate Services,
BSE Limited
P J Towers
Dalal Street
Mumbai - 400 001

The Manager
Listing Department
The National Stock
Exchange of India Limited
Bandra Kurla Complex
Mumbai - 400051

Code: JKIL

Sirs,

Re: In the matter of :

Supreme Court of India

Petition for Special Leave to Appeal No 18570 of 2016

(Arising out of impugned final Judgment and Order dated 5.7.2016 in PIL No 51 of 2016 passed by High Court Bombay.

J.Kumar Infraprojects Ltd **...Petitioner**

Vs

Municipal Corporation of Greater Mumbai and Ors **...Respondents**

Please refer to our prior correspondence made vide letters dated 26th April 2016, 14th June 2016 and 16th August 2016.

We wish to inform you that the above referred matter was listed for hearing before the Hon'ble Supreme Court of India, on 10.11.2017, wherein the Hon'ble Court, upon hearing the Parties at length, has granted the leave in the instant special leave petition and pleased to direct that the Appeal filed the Petitioner Company namely J.Kumar Infraprojects Ltd, before the Municipal Corporation of Greater Mumbai, in respect of the subject matter, be heard expeditiously.

J. KUMAR INFRAPROJECTS LIMITED MUMBAI

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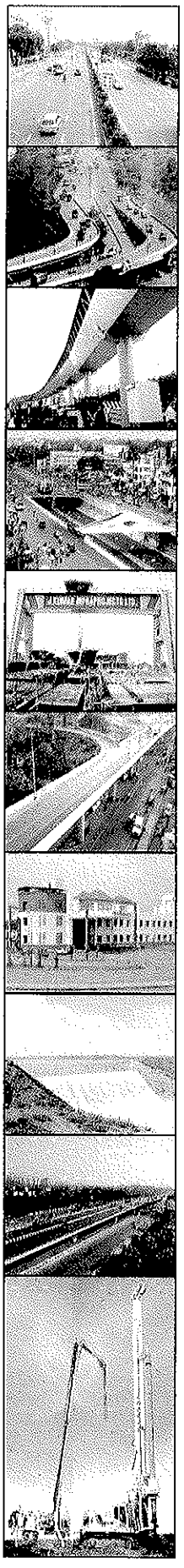

It would be pertinent to mention here that the Hon'ble Court, did not propose to examine the legality of black listing of the Petitioner Company in the instant proceedings. However, the Hon'ble Court was pleased to direct the Municipal Corporation to proceed with the award of the Contract, in respect of the subject matter, in accordance with Law.

We enclose herewith a copy of the said order of the Hon'ble Supreme Court for dissemination purpose.

Trust you would find the above in order.

Thanking You,

Yours faithfully,
For J. Kumar Infraporjects Limited

Poornima Reddy
Company Secretary

J. KUMAR INFRAPROJECTS LIMITED MUMBAI

ITEM NO.55 COURT NO.2 SECTION IX

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

Petition(s) for Special Leave to Appeal (C) No(s). 18570/2016

(Arising out of impugned final judgment and order dated 05-07-2016 in PIL No. 51/2016 passed by the High Court Of Judicature At Bombay)

J. KUMAR INFRAPROJECTS LTD. Petitioner(s)

VERSUS

MUNICIPAL CORPORATION OF GREATER MUMBAI & ORS. Respondent(s)

(FOR [PERMISSION TO FILE ANNEXURES] ON IA 2/2016)

WITH
SLP(C) No. 34967-34968/2016 (IX)
(and IA No.116544/2017-CONDONATION OF DELAY IN FILING and IA No.116546/2017-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 10-11-2017 These matters were called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE J. CHELAMESWAR
HON'BLE MR. JUSTICE S. ABDUL NAZEER

Mr. V. Giri,Sr.Adv.(A.C.)

For Petitioner(s) Dr. Rajeev Dhavan,Sr.Adv.
Mr. Arunabh Chowdhury,Adv.
Mr. Sarvesh Singh Baghel, AOR
Mr. Abhishek roy,Adv.
Mr. Vaibhav Tomar,Adv.
Ms. Shruti Choudhry,Adv.
Mr. Karma Dorjee,Adv.

Mr. Anupam Lal Das, AOR
Mr. Anirudh Singh,Adv.
Mr. Krishanu Barua,Adv.

For Respondent(s) Mr. Mukul Rohatgi,Sr.Adv.
Mr. Dhruv Mehta,Sr.Adv.
Mr. Ashish Wad,Adv.
Mr. P.V. Naik,Adv.
Mrs. Jayashree Wad,Adv.
Ms. Paromita Majumdar,Adv.
Ms. Sukriti Jaggi,Adv.
M/S. J S Wad And Co, AOR

UPON hearing the counsel the Court made the following

O R D E R

SLP(C)No.18570/2016

This special leave petition arises out of the order of the Bombay High Court in the Public Interest Litigation. Notice was ordered in this matter on 29/08/2016.

The petitioner was awarded a contract by the first respondent-Municipal Corporation of Greater Mumbai for the construction of two bridges. While the work was in progress, a Public Interest Litigation came to be moved in the Bombay High Court raising certain questions regarding the legality of the award of the above mentioned contracts in favour of the petitioner which eventually resulted in the impugned order by which the Bombay High Court directed as follows:

> "The contracts awarded to respondents no.3 & 4 in respect of 4 works mentioned in the Statement in paragraph 52 are quashed and set aside."

While ordering notice on 29/08/2016, this Court directed that status quo existing as on that day be maintained till further orders. Again on 08/09/2016, this Court passed further order, relevant portion of which reads as under:

> "...As far as the contracts awarded in favour of the petitioner which have been cancelled by the High Court are concerned, we are inclined to direct that the respondent No.1 shall commence the tender process, but not open the technical bid without leave of the court. The petitioner is at liberty to participate in the fresh tender process without prejudice to the contentions to

be raised in this special leave petition and no plea can be canvassed by the respondent No.1 that as the petitioner has participated in the bid, it has waived its right to challenge the order."

Mr Mukul Rohatgi, learned senior counsel appearing for the first respondent-Municipal Corporation of Greater Mumbai submitted that the Municipal Corporation be permitted to finalize the tenders and proceed with the execution of the work tendered for, that is, the construction of the two bridges otherwise it would put the public a great degree of inconvenience. He also brought it to the notice of the Court that apart from the instant litigation, by a separate proceedings, the petitioner was blacklisted by the first respondent-Corporation, the legality of which is pending consideration under a statutory appeal before Municipal Corporation.

We do not propose to examine the legality of the black listing order in the instant proceedings. It is an order independent of the impugned order and the legality of which is to be determined by an appropriate forum. The fact remains that by virtue of the impugned order, the High Court directed the cancellation of work awarded to the petitioner. Whether the order of the High Court could be sustained in law, is to be examined on the merits of the petition which is likely to take time. In the process if the work the work is stalled, the general public would be put to great hardship.

Assuming for the sake of arguments that the petitioner eventually succeeds in the matter, the petitioner could be

adequately compensated including award of exemplary costs for all the troubles to which the petitioner is subjected to, in the process of litigation.

In the circumstances, we do not see any reason to continue the earlier interim orders of this Court. We make it clear that first respondent-Municipal Corporation of Greater Mumbai will be at liberty to proceed with the award of the contract in accordance with law.

In the background of the above order, we also deem it appropriate to grant leave in the instant special leave petition. We direct that the appeal be heard expeditiously.

It goes without saying that any observations made in this order will in no way have any bearing on the merits of the case.

SLP(C)No.34967-34968/2016

SLP(C)No.34967-34968/2016 be listed alongwith Civil Appeal arising out of SLP(C)No.18570/2016.

(OM PARKASH SHARMA)
AR CUM PS

(RAJINDER KAUR)
BRANCH OFFICER