

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D.B. Civil Miscellaneous Appeal No. 593/2023

Birla Corporation Limited

----Appellant

Versus

Rajasthan Rajya Vidyut Utpadan Nigam Limited

----Respondent

For Appellant(s)	:	Mr. Dushyant Rathore
For Respondent(s)	:	Mr. Deepak Tater, Addl. OIC

HON'BLE MR. JUSTICE PANKAJ BHANDARI
HON'BLE MR. JUSTICE SAMEER JAIN

Order

17/03/2023

1. Counsel for the parties have not marked their presence before the Court as apparently they are abstaining from work pursuant to the call given by the office bearers of the Bar Association. Such non-appearance is clearly illegal and in breach of the order passed by the Hon'ble Supreme Court in the case of **"Ex-Captain Harish Uppal Vs. Union of India & Anr. [2003 (2) SCC 45]."**

2. By way of present appeal, appellant has challenged the impugned order dated 09.01.2023.

3. On behalf of respondent, it is submitted by Mr. Deepak Tater, Addl. OIC that the order passed is valid. Learned Court has considered the prima facie balance of convenience and irreparable loss criteria as dealt in Para No.46 to 49.

4. On behalf of appellant- Mr. Dushyant Rathore has marked his presence before the Court. He is not having any valid authority and he has requested for time.

5. Considering the gravity of the matter, merits of the case and adjournment sought, we deem it proper to adjourn the matter with cost of Rs.50,000/- which is to be deposited in favour of respondent. The same may be deposited by next date failing which the appeal shall stand dismissed without reference to the Bench.

6. List after two weeks.

(SAMEER JAIN),J

(PANKAJ BHANDARI),J

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