



2026:RJ-JP:20260-DB

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D.B. Civil Miscellaneous Appeal No. 2007/2023

Parsa Kente Collieries Limited

----Appellant

Versus

Rajasthan Rajya Vidyut Utpadan Nigam Limited

----Respondent

For Appellant(s)	:	Mr. Sudhir Gupta, Sr. Advocate assisted by Mr. Sandeep Pathak, Mr. Abhisar Bairagi, Ms. Shweta Chauhan, Mr. Rachit Somani & Mr. Utkarsh Meena
For Respondent(s)	:	Mr. RK Agarwal, Sr. Advocate assisted by Mr. Adhi Raj Modi

HON'BLE THE ACTING CHIEF JUSTICE MR. SANJEEV PRAKASH SHARMA
HON'BLE MRS. JUSTICE SHUBHA MEHTA

Order

22/04/2026

1. The question with regard to the right of the respondent in addressing with respect to the issues which have been answered in favour of the appellant without filing separate cross-objection has been examined by us and we find that in view of the judgment passed recently by the Hon'ble Supreme Court reported in **[2025] 0 INSC 1502, Rattanindia Power Limited Vs. Maharashtra State Electricity Distribution Company Limited** and more particularly para 44 to 51 with respect to the issue No.ii, we are *prima facie* inclined to accept the contentions raised by the learned Senior Counsel for respondent that he may be entitled to address on the said issues which have been allowed in favour of the appellant while hearing the appeal which has been decided in favour of the respondent.



2. As regards the main case, considering the volume of the record, we deem it appropriate to list this case on 09.07.2026 at 02:00 PM.

22/04/2026

1. Leaned counsels were asked to again assemble after we had dictated the earlier order and risen. After having passed the aforesaid order, considering the fact that on re-examining the judgment passed by the Hon'ble Apex Court in case of ***Gayatri Balasamy vs. M/s ISG Novasoft Technologies Limited*** reported in **(2025) 7 SCC 1**, we notice that the Commercial Court prima facie could not have set aside the complete award in terms of the judgment. However, the question which arises in the matter where part of the award has been answered in favour of the appellant and part of the award has been answered in favour of the respondent and the respondent does not challenge the part of the award passed in favour of the appellant by raising cross-objection but raises the objections relating to that part of the order of the Commercial Court which has been answered in favour of the appellant during the course of arguments in appeal. We, therefore, recall our earlier order where we have given our opinion in favour of the respondent.

2. We request the learned Senior Counsel to address as to whether the challenge to that part of the award answered in favour of the appellant would be same as challenge to the issues which have been answered against the respondent in appeal where the decree is passed in favour of the respondent. Moreso,



as the judgment of Rattanindia Power Limited (supra) deals with issue No.ii, which reads as under:

"(ii) Whether, in absence of a cross-appeal against the impugned order, the direction to pay LPS on Carrying Cost cannot be questioned by the first respondent?"

3. List this case again on 30.04.2026 for addressing on this aspect at 12:00 PM.

(SHUBHA MEHTA),J

(SANJEEV PRAKASH SHARMA),ACTING CJ

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