

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

RECORD OF PROCEEDINGS

TRANSFER PETITION (CIVIL) NO. 11 OF 2006

SKJ COKE INDUSTRIES LTD.

Petitioner(s)

VERSUS

COAL INDIA LTD. & ORS.

Respondent(s)

(With application for stay)

Date: 27/03/2006 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.B. SINHA

HON'BLE MR. JUSTICE P.K. BALASUBRAMANYAN

For Petitioner(s)

Mr. Devashish Bharukha,Adv.

Ms. Ruchi Kohli,Adv.

Mr. Rajesh Singh,Adv.

For Respondent(s) Mr. Ajit Kumar Sinha,Adv.

UPON hearing counsel the Court made the following

O R D E R

half of the

Mr. Ajit Kumar Sinha, learned counsel appears on behalf

respondents.

Counter affidavit, if any, be filed within one week and rejoinder t
hereto be

filed within three days thereafter.

So far as the question of grant of interim relief is
concerned, we direct

that on the petitioner paying the notified price plus 33 1/3% of the enhanced
price

as per the E-auction and furnishing security for the balance
66 2/3% of the

enhanced price, and also filing an undertaking before this Court within four w
eeks

from today, the coal as per the linkage will be supplied to the concerned peti
tioner

within three weeks from the date of such payment. It is clarified that there w
ill be

no obligation on the part of the Coal India Ltd. and its subsidiaries to suppl
y coal

as per this interim order in the case of those who have not complied with the
order

for

...2/-

-2-

payment of 33 1/3% of the difference in price in addition to the notified price and

for furnishing of security for the balance 66 1/3% of the enhanced price, and filing

the undertaking in this Court to pay the entire amount if they do not succeed
in

their challenge.

We, however, clarify that so far as furnishing of security for the balance 66

1/3% of the enhanced price is concerned, the Coal companies shall not insist on furnishing bank guarantees and shall supply coal on their furnishing undertakings by the Managing Director or Managing Partner of the Company/Firm, as the case may be, apart from the indemnity bonds or other types of securities subject, of course, to the compliance of other directions.

This interim order will be in force until the writ petitions are finally disposed of by this Court.

(A.S. BISHT)

COURT MASTER

(PUSHAP LATA BHARDWAJ)

COURT MASTER