

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

RECORD OF PROCEEDINGS

CIVIL APPEAL NO. 816 OF 2001

COAL INDIA LTD. & ORS.

Appellant (s)

VERSUS

DOMCO SMOKELESS FUELS (P) LTD.

Respondent(s)

(With appln(s) for c/delay in filing addl. affidavit and clarification/ modification of court's order and office

report)

WITH

Civil Appeal NO. 817 of 2001

(With office report)

CONTEMPT PETITION (CIVIL) NOS. 547-548/2002 IN C.A.Nos.816-817/2001

Date: 17/08/2006 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.B. SINHA

HON'BLE MR. JUSTICE DALVEER BHANDARI

For Appellant(s)

Mr. Anip Sachthey,Adv.

For Respondent(s) Mr. Ranjit Kumar, Sr.Adv.

Mr. Jaideep Gupta, Sr.Adv.

Mr. Amit Kumar,Adv.

Mr. S. Chandra Shekhar,Adv.

Mr. A. Kumar,Adv.

Mr. Krishnanand Pandeya, Adv.

UPON hearing counsel the Court made the following

O R D E R

The respondent(s) herein shall furnish within four weeks from date, bank guarantee and security in regard to the difference in the prices, if any, of coal which had already been supplied to them by the Coal India Ltd. in terms of the directions of this Court in M/s. Ashoka Smokeless Coal Industries Pvt. Ltd & Ors. vs. Union of India & Ors. (SLP(C) No.20471/2005). The appellant shall issue necessary directions to the Central Coalfields Ltd. for supply of coal to the respondent's factory from any of the collieries situated within its jurisdiction subject, of course, to the availability as also the guidelines and the circulars issued by the Central Government, if any. Only in the event, it is not possible for the CCL to supply coal, offer to supply coal may be made from the collieries belonging to the BCCL.

Keeping in view the facts and circumstances of this case, we are of the opinion that Union of India should be impleaded as a party. On an oral prayer made by the learned counsel Mr. Sachthey, Union of India is made a

party through the Ministry of Coal. Mr. Sachthey assures us that a copy of the paper book of this case shall be handed over to the Central Agency.

Counter affidavit by the Central Government may be filed within four weeks from date. Liberty to mention, if any occasion arises therefor.

We would also direct that an officer of the Coal India Ltd. shall visit the factory of the respondent so as to assess the actual present need of coal by it whereupon the difficulties, if any, in making supply thereof from any of the collieries belonging to the Central Coalfields Ltd. may be deliberated upon in a meeting which may be convened by Coal India Ltd. with officer(s) of the Bharat Coking Coal Ltd., Central Coalfields Ltd. and a representative of the respondent(s).

Put up on 10th October, 2006.

On the next date of hearing, an officer of the Coal India Ltd. having full instructions in the matter, and a representative of the respondent shall remain present in Court.

(A.S. BISHT)
COURT MASTER

(PUSHAP LATA BHARDWAJ)
COURT MASTER