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SLP(C)No. 3489-3508 OF 1999

ITEM No.8

Court No. 4

SECTION XIV
A/N MATTER

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 (Civil) No.3489-3508/1999

(From the judgement and order dated 21/08/1998 in WA 344/97,343/97
WA 38/98,WA 358/97,WA 445/97,WA 426/97,WA 451/97,CR 1580/95,4519/95
CR 4920/97,CR 4921/97,CR 4922/97,CR 4923/97,CR 4924/97,4925/97
CR 4927/97,CR 4928/97,CR 4929/97,CR 4935/97,CR 4934/97
of The HIGH COURT OF GAUHATI)

ASSAM STATE ELEC. BOARD & ANR ETC.

Petitioner (s)

VERSUS

NATIONAL BOARD LTD. & ORS.

Respondent (s)

(With Appln(s). for release of the applicant as advocate on record
for the Federation of Industries and Commerce of North Eastern
Region, respondent No.1 and with prayer for interim relief)
(For final disposal)

With SLP(C)No.3509/1999@@
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(With prayer for interim relief)(For final disposal)

Date : 31/10/2001 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE V.N. KHARE
HON'BLE MR. JUSTICE B.N. AGRAWAL

For Petitioner (s) Mr. Mahabir Singh,Adv.
for M/s Jain Hansaria & Co.

For Respondent (s) Mr. PK Goswami,Sr.Adv.
in SLP 3489-3508/99 Mr. R. Rahim,Adv.
for Mr. Rajiv Mehta.,Adv.

UPON hearing counsel the Court made the following
O R D E R

I.A. No. 21 is allowed.

Leave granted.

The appeals are disposed of. There shall be no order
as to costs.

.SP1

(Alka Dudeja)
Court Master

(S. Krishnan)
Court Master

Signed order is placed on the file.

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 7432-7451 OF 2001@@
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(Arising out of S.L.P.(C) Nos. 3489-3508/99)

Assam State Elec. Board and Anr.etc. ... Appellants

Vs.

National Board Ltd. and Ors. ... Respondents

With C.A. No. 7452 of 2001 @ S.L.P.(C) No.3509/1999@@
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O R D E R@@
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Leave granted.

By the judgment under challenge, the High Court has issued a direction that the respondents shall pay surcharge only at the rate of 18 per cent. However, the contention advanced on behalf of the appellants is that the respondents are liable to pay surcharge at the rate of 60 per cent, according to the condition of the agreement. During the course of the hearing it has been brought to our notice that the Board, by a Notification, has subsequently reduced the surcharge from 60 percent to 24 per cent. In view of the said amendment, learned counsel for the parties are agreed that the respondents shall pay surcharge at the rate of 28 per cent.

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The appeals are disposed of in the aforesaid terms. There shall be no order as to costs.

Any excess amount which is required to refunded, shall be adjusted in the subsequent bills, which may be submitted by the appellants to the respondents.

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.....J.
(V.N. KHARE)

.....J.
(B.N. AGRAWAL)

NEW DELHI
OCTOBER 31, 2001.