

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 615 OF 2007

M/S. MODI INDUSTRIES LTD.

Appellant(s)

VERSUS

U.P. STATE ELECTRICITY BOARD & ANR.

Respondent(s)

WITH

CIVIL APPEAL NO. 616 OF 2007

O R D E R

1) These are matters which have been languishing in this Court, since the year 2005. Subsequent events have overtaken the judgment, in that the Sick Industrial Companies Act has itself been repealed with effect from 01.12.2016. The point that has been decided by the High Court, therefore, need not be touched upon.

2) We have been informed that there were seven electricity connections involved in these appeals. So far as six of those connections are concerned, the appellant and the respondents have settled the dues for the same under OTS Schemes that were framed by the respondent.

3) Insofar as the seventh connection is concerned, which Mr. Dhruv Mehta, learned senior counsel, for the petitioner, points out is in respect, *inter alia*, of workers quarters. The electricity dues amount to Rs. 798.64 lakhs and surcharge

thereon to Rs. 512.84 lakhs. An OTS Scheme was framed in the year 2011 but we are informed that the appellant has since missed the bus. The OTS Scheme would have permitted the appellant to pay Rs. 798.64 lakhs with a 100 per cent surcharge waiver.

4) Having regard to the facts and circumstances of the case, we are of the view that the interest of justice demands that these old claims be set at rest.

5) Therefore, we direct the appellant to pay Rs. 798.64 lakhs and 50 per cent of the surcharge amount within a period of one year from today in four equal quarterly instalments.

6) The appeals are disposed of in the aforesaid terms.

..... J.
(ROHINTON FALI NARIMAN)

..... J.
(SANJAY KISHAN KAUL)

New Delhi;
November 02, 2017.

ITEM NO.103

COURT NO.12

SECTION III-A

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

Civil Appeal No(s). 615/2007

M/S. MODI INDUSTRIES LTD.

Appellant(s)

VERSUS

U.P. STATE ELECTRICITY & ANR.

Respondent(s)

WITH

C.A. No. 616/2007 (III-A)

Date : 02-11-2017 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN
HON'BLE MR. JUSTICE SANJAY KISHAN KAULFor Appellant(s) Mr. Dhruv Mehta, Sr. Adv.
Mr. Salil Seth, Adv.
Mr. Umesh Kumar Khaitan, AORFor Respondent(s) Ms. Sharmila Upadhyay, AOR

Mr. Pradeep Misra, AOR
Mr. Suraj Singh, Adv.
Anupam Misra, Adv.UPON hearing the counsel the Court made the following
O R D E R

The appeals are disposed of in terms of the signed order.

Pending applications, if any, also stand disposed of.

(R. NATARAJAN)
COURT MASTER (SH)(SAROJ KUMARI GAUR)
COURT MASTER

(Signed order is placed on the file)