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SLP(C)No. 4123 OF 2001  
ITEM No.10  
PART-HEARD

Court No. 7

SECTION IX  
A/N MATTER

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

Petition(s) for Special Leave to Appeal (Civil) No.4123/2001

(From the judgement and order dated 05/10/2000 in AN 144/2000  
of The HIGH COURT OF BOMBAY)

TATA HYDRO ELECTRIC POWER SUPPLY LTD&ORS

Petitioner (s)

VERSUS

UNION OF INDIA

Respondent (s)

( For Final Disposal )  
( With Office Report )

Date : 5/02/2002 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.B. SHAH  
HON'BLE MR. JUSTICE B.N. AGRAWAL

For Petitioner (s) Mr. TR Andhyarujina, Sr. Adv.  
Mr. Shri Narain, Adv.  
Mr. HN Vakil, Adv.  
Ms. Anjali, Adv. for  
M/s. S. Narain & Co.,Adv.

For Respondent (s) Mr. Ranjeet Kumar, Sr. Adv.  
Mr. RP Saxena, Adv. for  
Mrs Anil Katiyar,Adv.

UPON hearing counsel the Court made the following  
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Heard the learned counsel for the parties.

Apart from the question of law involved in this special paragraph the Umpire in Arbitration Proceedings,has recorded in paragraph 9 at page 250-251 that for the monthly energy consumption the Western Railways was also maintaining meters at their end and the said meters revealed the total energy consumed at the railways end at 5 feeder stations. The comparative chart recorded by the Umpire mentions accordingly. This aspect is not ...2/-

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disputed and it was contended that there was no reason for the railways not to pay the amount as per their own meters.

At the time of hearing of this matter learned counsel for the petitioner pointed out that it would be totally unfair on the part of the Union Government to take a stand that they would not

pay the amount for the electricity consumed as per their own record. In our view, there appears to be some substance in the said contention.

Hence, the learned counsel appearing on behalf of the respondent-Union Government submitted that as the matter was argued out on the question of law, he may be given some time to obtain necessary instructions solely on the ground of equity. In this view of the matter, adjourned for four weeks.

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O.P. Sharma

(K.K. Chadha)  
Court Master