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SLP(C)No. 3033 OF 2001  
ITEM No.51

Court No.11

SECTION XV  
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.3033/2001

(From the judgement and order dated 11/01/2001 in CWP 13/00  
of The HIGH COURT OF H.P AT SHIMLA)

NATIONAL HYDRO ELECTRIC POWER CORPN.

Petitioner (s)

VERSUS

RAKESH KUMAR & ORS.

Respondent (s)

(With prayer for interim relief)

Date : 30/07/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE D.P. MOHAPATRA  
HON'BLE MR. JUSTICE SHIVARAJ V. PATIL

For Petitioner (s) Mr. B.Dutta,Sr.Adv.  
Mr. Santosh Mishra,adv.  
Mr. S.B. Upadhyay,Adv.

For Respondent (s) Mrs. Indira Sawhney,adv.  
for UOI: Mr. B.V. Balaram Das,Adv.

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

.....L.....I.....T.....T.....T.....T.....T.J  
.SP2

Despite service of notice the respondents have not  
appeared.

Leave granted.

The appeal is allowed. The judgment under  
challenge is set aside. There will be no order as to  
costs.

The interim order stands vacated.

.SP1

(Suman Wadhwa)  
Court Master

(S.Malkani)  
Court Master

Signed order is placed on the file.

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.PL55

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 4937 OF 2001@@  
CCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCC  
(Arising out of SLP(C)No.3033 of 2001)

National Hydro Electric Power Corporation

...Appellant

Vs.

Rakesh Kumar and Ors.

...Respondents

ORDER@@  
CCCCC

.....L.....I.....T.....T.....T.....T.....T.....J.  
.SP2

Despite service of notice the respondents have not appeared.

Leave granted.

It is stated by learned counsel for the petitioner and learned counsel appearing for the Union of India that the Central Government has issued the Circular dated 12.2.2001 (Annexure R.1) withdrawing the Circular No. No.17(3)93/E.I/KM dated 3.7.1998 which was the subject matter of consideration by the High Court in the judgment under challenge. The learned counsel for the parties are in agreement that in view of the subsequent development the judgement of the High Court may be set aside and the parties may proceed in the matter in accordance with law. In view of the agreed position the

-2-

appeal is allowed and the judgment under challenge is set aside. There will be no order as to costs.

The interim order stands vacated.

.SP1

.....J.  
(D.P.MOHAPATRA)

.....J.  
(SHIVARAJ V. PATIL)

New Delhi;  
July 30,2001.