

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).5909/2007
(From the judgement and order dated 13/05/2004 in WP No. 1020/2001
& WP No. 1118/2001 & WP No. 3455/2006 & WP No. 8449/2005 & WP
No. 9632/1992 of The HIGH COURT OF UTTARANCHAL AT NAINITAL)

U.P. STATE ELECTRICITY BOARD

Petitioner(s)

VERSUS

M/S INDIAN DRUGS & PHARMA. LTD. & ORS. Respondent(s)
(With appln(s) for c/delay in filing SLP,permission to file additional
documents and office report)
(For final disposal)

Date: 11/07/2008 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.B. SINHA
HON'BLE MR. JUSTICE CYRIAC JOSEPH

For Petitioner(s) Dr.Abhishek Manu Singhvi,Sr.Adv.
Mr. Niraj Sharma,Adv.
Mr.Vikrant Singh Bais, Adv.
Mr. Amit Bhandari, Adv.

For Respondent(s) Ms. Meera Mathur,Adv.(NP)

UPON hearing counsel the Court made the following
ORDER
Delay condoned.

Leave granted.

The appeals are allowed in terms of the signed order.

[Meenu Sethi] [Pushap Lata Bhardwaj]
A.R.-cum -P.S. Court Master

Signed order is placed on the file
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 4359-61 OF 2008
(Arising out of S.L.P. (C) No.5909/2007)

U.P.State Electricity Board ..Appellant

Versus

M/s Indian Drugs & Pharma. ...Respondents
Ltd. & Ors.

O R D E R

Delay condoned.

Leave granted.

Despite service of notice, none appears on behalf of
the respondents.

By reason of the impugned order dated 28.10.2005,
the High Court has modified its earlier order dated 13.5.2004 directing
that respondents shall pay their electricity bills as per the old tariff

policy of 1986.

The orders dated 28.10.2005 and 13.5.2004 (wrongly stated as 13.5.2005) are not supported by any reason.

So far as the order dated 1.11.2006 is concerned, an application for clarification of the order dated 28.10.2005 filed by the appellant herein has also been dismissed in limine.

Dr. A.M.Singhvi, learned senior counsel appearing on behalf of the appellant submits that the effect of the said orders is that the appellant- Board would not be able to raise bills either under the old Act or under the new Act but will have to raise the bills on the basis of the tariff as was prevalent in the year 1986.

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We, therefore, set aside the impugned orders dated 1.11.2006, 28.10.2005 and 13.5.2004 and remit the matter back to the High Court for consideration of the matter afresh.

We would request the High Court to hear out the matters on merit and pass an appropriate reasoned order as expeditiously as possible but not later than eight weeks from the date of communication of this order.

The appeals are allowed.

[S.B. SINHA]J.

[CYRIAC JOSEPH]J.

New Delhi,
July 11, 2008.