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ITEM NO.1

COURT NO.7

SECTION XIA

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 4537 OF 2007

ORISSA MINING CORPORATION LTD. Appellant (s)

VERSUS

M/S. ORISSA CHROME EXPORT MINING CO.LTD. Respondent(s)

(With appln(s) for directions and office report)(FOR FINAL DISPOSAL)

Date: 13/09/2012 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.M. LODHA
HON'BLE MR. JUSTICE ANIL R. DAVE

For Appellant(s) Dr. Rajeev Dhawan, Sr. Adv.

Mr. Raj Kumar Mehta, Adv.
Mr. David A., Adv.
Mr. Antaryami Upadhyay, Adv.

For Respondent(s)

Mr. M.N. Krishnamani, Sr. Adv.
Mr. Shyamananda Mohapatra, Sr. Adv.
Mr. Soumyajit Pani, Adv.
Mr. Ajay Bhargava, Adv.
Mr. Nitin Mishra, Adv.
Mr. Ashok Khandelwal, Adv. for
M/S. Khaitan & Co., Adv.

Mr. Subramonium Prasad ,Adv. (NOT PRESENT)

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

Appeal and interlocutory applications for directions are
disposed of in terms of the signed order.

| (Rajesh Dham) | | (Renu Diwan) | |
| Court Master | | Court Master | |

(signed order along with Annexure 'A' is placed
on the file)

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(s). 4537 OF 2007

ORISSA MINING CORPORATION LTD.

Appellant (s)

VERSUS

M/S. ORISSA CHROME EXPORT MINING CO.LTD.

Respondent(s)

O R D E R

We have heard Dr. Rajeev Dhawan, learned senior counsel for the appellant, and Mr. M.N. Krishnamani, learned senior counsel for the respondent.

2. After arguing the matter for some time, learned senior counsel for the parties agreed that for the supplies made by the appellant to the respondent for the period between July 1, 2003 to December 31, 2006 pursuant to the Court order, the price given in the Column 8 of the Chart (page No. 130 of the paper book of the Appeal) may be fixed in substitution of the impugned order.

3. The submission of the learned senior counsel for the parties is fair and reasonable. By the impugned order the High Court had directed the Board and its Committee on Chrome Ore Sale Price to work out and determine the sale price of 40-42% grade Chrome Ore supplied to the respondent either by Consultative Process or through Price Setting Tender keeping in view the determination made in respect of

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others in their meeting dated 25.10.2005 and 12.12.2005 and the sale price determined for sale of Chrome Ore in the domestic market of the Corporation and also have regard to the prevailing price as adopted by the appellant and the State Government in case of Vendanta Alumina Limited and others. In our opinion, the exercise as directed by the High Court is not necessary in view of the agreement between the parties as noted above. For the ready reference, the Chart is made part of this order as Annexure 'A'.

4. Accordingly, it is directed that for the supply of Chrome Ore 40-41.99% by the appellant to the respondent for the period 01.07.2003 to 31.12.2003 the Chrome Ore price shall be Rs. 1111/- per Metric Ton (MT); for the period 01.01.2004 to 31.03.2004 Rs. 1189/- per MT; for the period 01.04.2004 to 31.01.2005 Rs. 1689/- per MT; for the period 01.02.2005 to 31.03.2005 Rs. 1989/- per MT; for the period 01.04.2005 to 20.12.2005 Rs. 3571/- per MT; for the period 21.12.2005 to 31.03.2006 Rs. 2236/- per MT and for the period 01.07.2006 to 31.12.2006 Rs. 3083/- per MT.

5. The order passed by the High Court thus stands modified as above.

6. Appeal is disposed of accordingly with no order as to costs.

7. Interlocutory applications for directions do not survive and stand disposed of.

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8. We request the High Court to hear and decide Writ Petition (Civil) No. 8185 of 2003 as expeditiously as may be possible and preferably by March 2013.

.....J.
(R.M. LODHA)

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As per order dtd. 29.10.03 of
the High Court of Orissa