

ITEM NO.48

COURT NO.3

SECTION XVIA

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

TRANSFER PETITION (CIVIL) NO. 100 OF 2006

SOMAL PIPES PVT. LTD.

Petitioner(s)

VERSUS

COAL INDIA LTD. & ORS.

Respondent(s)

(With appln(s) for stay and directions and office report)

WITH

I.A.Nos.1-3 in T.P.(C) No. 97/2006
(For stay and directions and office report)

I.A.Nos.1-3 in T.P.(C) No. 11/2006
(For stay and directions)

I.A.No.2 in T.C.(C) No. 15/2006
(For appropriate directions with office report)

I.A.No.1 in T.C.(C) No. 16/2006
(For appropriate directions with office report)

CONTEMPT PETITION (C) No. 50/2007 in T.C.(C) No. 41/2006
(With appln. for directions and office report)

CONTEMPT PETITION (C) No. 56/2007 in C.A. No. 5317/2006
(With office report along with Adv. Letter dt. 26.7.07)

I.A.No.7 in C.A. No. 5324/2006 (For directions with office report)

I.A.Nos.3-11 in C.A. No.5303/2006 (For directions)

I.A.Nos.12-13 in C.A. No.5303/2006 (For directions)

I.A.No.3 in C.A. No.5304/2006 (For directions)

I.A.No.4 in C.A. No.5304/2006 (For directions)

I.A.No.3 in C.A. No.5307/2006 (For directions)

I.A.No.4 in C.A. No.5307/2006 (For directions)

I.A.Nos.8 & 9 in C.A. No.5324/2006 (For directions with office report)

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CONTEMPT PETITION (C) No. 135/2007 in C.A. No. 5314/2006
(With office report)

CONTEMPT PETITION (C) No. 138/2007 in C.A. No. 5302/2006
(With appln. for impleadment)

CONTEMPT PETITION (C) No. 139/2007 in C.A. No. 5302/2006
(With office report)

I.A.No. 7 in C.P. (C) No. 139/2007 (For directions)

CONTEMPT PETITION (C) No. 18/2006 in T.C.(C) No. 101/2005
(With office report)
I.A. No.1 in T.C.(C) No. 101/2005
(For directions)

CONTEMPT PETITION (C) No. 19/2006 in T.C.(C) No. 19/2006

I.A.No. 1 in T.C.(C) No. 7/2006 (For directions)

I.A.Nos.2-11 in T.C.(C) No. 27/2006 (For directions)

I.A.No.4 in C.A. No.5311/2006 (For directions with office report)

I.A.No.5 in C.A. No.5311/2006 (Appln. for directions)

I.A.No...../2007 & I.A.Nos.1-2 in T.C.(C) No.39/2006 (For directions)

CONTEMPT PETITION (C) NO. 282/2007 in C.A.No.5315/2006
(With office report)

I.A.Nos.1-4 in T.C.(C) No. 31/2006 (For directions)

I.A.No.3 in C.A.No.5320/2006 (For directions)

I.A.No.1 in T.C.(C) No. 29/2006 (For direction and with office report)

T.C.(C) No. 32/2006 (with office report)

I.A.No..... in T.C.(C) No. 8/2006 (For refund and office report)

I.A.No.... in T.C.(C) No. 9/2006 (For directions)

I.A.No.....& I.A.Nos.1-4 in T.C.(C) No. 28/2006
(For direction and office report)

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I.A.No..... & I.A.Nos.2-4 in T.C.(C) No. 42/2006
(For direction and office report)

I.A.Nos.4 & 8 in C.A. No. 5302/2006
(For direction & office report)

I.A.No.1 in CONTEMPT PETITION (C) No.135/2007 in C.A.No.5314/2006
(For permission to bring on record subsequent fact)

WITH
CONTEMPT PETITION (C) No. D 30687/2007 in T.C.(C) No.17/2006

T.C.(C) No. 10/2006 (For directions with Office report)

T.C.(C) No. 17/2006 (With Office report)

T.C.(C) No. 24/2006 (With Office report)

T.C.(C) No. 22/2006

T.C.(C) No. 23/2006

AND

I.A.No.1 in T.C.(C) No. 26/2006 (For direction and office report)

I.A.No.1 in T.C.(C) No. 25/2006 (For direction and office report)

I.A.No..... in T.C.(C) No. 36/2006 (For directions)

I.A.No..... in T.C.(C) No. 40/2006 (For directions)

I.A.No. 1 in T.C.(C) No. 21/2006 (For directions)

Date: 12/05/2009 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.B. SINHA
HON'BLE MR. JUSTICE ASOK KUMAR GANGULY

For Petitioner(s) Mr. P.S. Patwalia, Sr. Adv.
Mr. Devasish Bharukha, Adv.
Ms. Jaya Bharukha, Adv.
Mr. Anjani Kumar Singh, Adv.
Dr. Sushil Balwada, Adv.

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Mr. Thakur Kr. Singh, Adv.

Mr. A.K. Ganguli, Sr. Adv.
Mr. Manish K. Saran, Adv.

Mr. P.P. Rao, Sr. Adv.
Mr. S. Chandra Shekhar, Adv.
Mr. Manoj Kumar, Adv.

Mr. Amit Meharia, Adv.
Mr. Debojit Borkakati, Adv.
Mr. Mohan Prasad Meharia, Adv.

Mr. Manish Pitale, Adv.
Mr. C.S. Ashri, Adv.

Mr. M.L. Verma, Sr. Adv.
Mr. Manish Kumar Saran, Adv.

Mr. Manish Kumar Saran, Adv.
Mr. Nirmal Kumar Ambastha, Adv.

Mr. Rajesh Singh, Adv.

For Respondent(s) Mr. G.E. Vahanvati, SG
Mr. Anip Sachthey, Adv.
Mr. Mohit Paul, Adv.
Mr. V.K. Verma, Adv.
Ms. Anil Katiyar, Adv.

Mr. Gopal Subramaniam, ASG
Mr. T.S. Doabia, Sr, Adv.
Mr. Sudarshan Singh Rawat, adv.
Mr. D.S. Mahra, Adv.

Mr. Mohan Parasaran, ASG
Mr. Krishan Kumar, Adv.
Ms. Asha G. Nair, Adv.
Ms. Gargi Khanna, Adv.
Mr. D.S. Mahra, Adv.

Mr. Nagendra Rai, Sr. Adv.
Mr. Sudhir Kulshreshtha, Adv.
Ms. Sushma Singh, Adv.

Gp. Capt. Karan Singh Bhati, Adv.
Ms. Rekha Giri, Adv.
Ms. Sweta Rani, Adv.

Mr. Ajit Kumar Sinha, Adv.

Mr. Rana Kukherjee, Adv.
 Mr. Siddharth Gautam, Adv.
 Mr. Goodwill Indeevar, Adv.

Ms. Prerna Kumari, Adv.
 Mr. S. Chandra Shekhar, Adv.

Mr. B.B. Singh, Adv.

Mr. Rudreshwar Singh, Adv.
 Mr. Sanjay Jain, Adv.
 Mr. Jitendra Mohan Sharma, Adv.

UPON hearing counsel the Court made the following
 ORDER

Central Coalfields Limited (CCL):

In view of the affidavit filed on behalf of the CCL, affirmed by Shri Nilay Prakash, Sales Manager of the said company, we direct the Registry to disburse the amount due to the 15 claimants whose names appear at Annexure B (Pages 6 & 7) and 10 claimants whose names appear at Annexure C (Page 8) to the said affidavit, subject to the condition that they are petitioners before this Court, they have filed undertakings before this Court in terms of our order dated 12.12.2005 and on their furnishing money receipts.

I.A.No. ... in T.C.(C) No. 39/2006, I.A. No. 4 in C.A. No. 5302/2003 and I.A. No. 7 in Contempt Petition No. 139/2008:

Let these I.As. be listed in July, 2009.

However, the pendency of these applications shall not stand in the way of the Committee to consider their cases if not already considered.

With the above direction, the cases of CCL shall stand closed.

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Bharat Coking Coal Limited (BCCL):

Having perused the affidavit filed on behalf of the BCCL, affirmed by Virendra Pratap Singh, General Manager (Sales & Marketing) of the said company, we direct that the two claimants, namely, M/s. Subernarekha Coal Complex and M/s. Trimurti Industries may collect the amounts due to be paid to them i.e. Rs. 10,14,916.51 and Rs. 6,35,224.62 from BCCL, Dhanbad.

The Registry may return the original receipts filed by the said two entities.

In paragraph 5 of the said affidavit, it has been stated that out of 65 claimants, 60 have already been paid. It is, however, accepted that the 5 claimants whose names appear at Annexure A-4 (Page 17) to the said affidavit, are to be paid the respective sums shown against them.

The Registry is directed to disburse the amount to the said 5

claimants at Annexure A-4, subject to the condition that they are petitioners before this Court, they have filed undertakings before this Court in terms of our order dated 12.12.2005 and on their furnishing money receipts.

The Registry is directed to also disburse the amount to the 58 claimants whose names appear at Annexure A-6 (Pages 19 & 20) to the said affidavit, subject to the condition that they are petitioners before this Court, they have filed undertakings before this Court in terms of our order dated 12.12.2005 and on their furnishing money receipts.

Mr. Gaurav Agrawal, learned counsel appearing on behalf of states that his client is also entitled to refund of some amount. The said entity may place its case before the Committee concerned within four weeks.

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So far as the statements made in paragraphs 3(iii)(a) & 3(iii)(b) of the said affidavit are concerned, learned counsel for the parties concerned may file their response thereto. Put up in July, 2009. In the meantime, the Committee may also submit its report before this Court.

I.A.No. 6 in T.C.(C) No. 101/2006:

Let Mr. Anip Sachthey, learned counsel on behalf of the coal companies file his response within four weeks. Put up in July, 2009.

(A.S. BISHT)
COURT MASTER

(PUSHAP LATA BHARDWAJ)
COURT MASTER