

ITEM NOS.33 & 46

COURT NO.4

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.P.(C) No. 15/2006
(For appropriate directions with office report)I.A.No.1 in T.P.(C) No. 16/2006
(For appropriate directions with office report)CONTEMPT PETITION (C) No. 50/2007 in T.P.(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)CONTEMPT PETITION (C) No. 71/2007 in T.P.(C) No. 100/2005
(With office report)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.No.3 in C.A. No.5304/2006
(For directions)I.A.No.3 in C.A. No.5307/2006
(For directions and office report)

I.A.No.8 in C.A. No. 5324/2006

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(For directions with office report)

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)

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.2-4 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...../2007 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.1-2 in T.C.(C) No. 31/2006 (For directions)

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

I.A.No..... in I.A.Nos.1-2 in T.C.(C) No.113/2005
(For directions with office report)

WITH

I.A.No.... in I.A.No.1 in T.C.(C) No. 115/2005
(For directions and direction/clarification)

I.A.NoS.1-3 in T.C.(C) No. 117/2005
(For directions and office report)

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I.A.No.... in I.A.No.1 in T.C.(C) No. 118/2005
(For directions and direction/clarification)

I.A.Nos.1 & 2 in I.A.No.... in T.C.(C) No. 119/2005
(For directions and direction/clarification)

I.A.No.... in I.A.Nos. 1 & 2 in T.C.(C) No. 120/2005
(For directions and direction/clarification and modification)
I.A.No.... and I.A.Nos.1 & 2 in T.C.(C) No. 121/2005
(For directions and direction/clarification)

I.A.No.1 in T.C.(C) No. 122/2005
(For direction/clarification with office report)

CONTEMPT PETITION (C) No. 47/2008 in T.C.(C) No. 116/2005
T.C.(C) No. 29/2006 (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)
T.C.(C) No. 31/2006 (with office report)

I.A.No..... in T.C.(C) No. 28/2006
(For direction and office report)

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

I.A.No.... in T.C.(C) No. 42/2006
(For direction and office report)

I.A.Nos.4 & 7 in C.A. No. 5302/2006

(For direction and 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)

CONTEMPT PETITION (C) No. 49/2008 in T.C.(C) No.112/2005
WITH
T.C.(C) No. 100/2005 (Office report for direction)

CONTEMPT PETITION (C) No. D 30687/2007 in T.C.(C) No.17/2006
(With office report)

T.C.(C) No. 10/2006 (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
T.C.(C) Nos. 1126-1130/2005
(With Appln(s) for ex-parte stay and office report)
WITH

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I.A.No..... in T.C.C) No. 26/2006 (for direction and office report)
I.A.Nos.4-5 in T.C.(C) No.101/2005
I.A.No.4 in T.C.(C) No. 113/2005
I.A.No.4 in T.C.(C) No. 117/2005

Date: 17/10/2008 These Petitions were called on for hearing today.

CORAM :

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

For Petitioner(s)

Mr. Devasish Bharukha,Adv.
Ms. Jaya Bharukha,Adv.
Mrs. Hansa Bharukha,Adv.
Mr. Anjani Kumar Singh,Adv.
Dr. Sushil Balwada,Adv.

Mr. Thakur Kr. Singh,Adv.

Mr. M.L. Verma, Sr.Adv.
Mr. Manish K. Saran,Adv.
Mr. R. Krishna,Adv.
Mr. Nirmal Kumar,Adv.

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

Mr. Amit Meharia,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. Sunil Roy,Adv.

Mr. Raj Singh Rana, Adv.
Mr. Mohit Paul, Adv.
Ms. S. Pandey, Adv.
Mr. V.K. Verma, Adv.

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Ms. Anil Katiyar, Adv.

Mr. Gopal Subramaniam, ASG
Mr. Satyakam, Adv.
Mr. Anip Sachthey, Adv.
Mr. Mohit Paul, Adv.
Mr. D.S. Mahra, Adv.

Mr. Nagendra Rai, Sr. Adv.
Mr. Sudhir Kulshreshtha, Adv.

Ms. Asha G. Nair, Adv.
Ms. Anil Katiyar, Adv.
Mr. Lalit Srivastava, Adv.
Mr. D.S. Mahra, Adv.
Gp. Capt. Karan Singh Bhati, Adv.
Ms. Aishwarya Bhati, 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. Kaushik Poddar, Adv.
Mr. Tapash K. Singh, Adv.

Mr. Rudreshwar Singh, Adv.
Mr. Tapash K. Singh, Adv.
Mr. Kaushik Poddar, Adv.
Mr. Sanjay Jain, Adv.
Mr. Jitendra Mohan Sharma, Adv.

UPON hearing counsel the Court made the following
ORDER

Eastern Coalfields Ltd. (ECL):

In view of the affidavit affirmed by Shri Chinmayananda

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Gupta, Deputy Personnel Manager, Eastern Coalfields Ltd., Kolkata-1, that a sum of Rs. 13,84,022.64 is refundable to M/s. Oriental Ceramics & Refractories Pvt. Ltd. and a further sum of Rs. 8,47,983.74 is refundable to M/s. Somal Pipes Pvt. Ltd., we direct the Eastern Coalfields Ltd. to pay the said amounts to the aforementioned parties through demand drafts, within three weeks from date.

The contempt petition filed against the officers of the Eastern Coalfields is closed.

North Eastern Coalfields (NEC)

An affidavit has also been affirmed by One Deepakumar K., Area Sales Manager, North Eastern Coalfields CIL, Margherita, Assam, wherein inter alia it has been stated that the company itself is entitled to receive an amount of Rs. 7,51,59,412.08 from SKJ Coke Industries although it deposited an amount of Rs.1,27,35,251.71.

It is stated that the order of the Calcutta High Court in this behalf has been affirmed by this Court, whereas Mr. Bharukha states that a writ petition in this behalf is still pending before the Calcutta High Court. It is not possible for us to investigate in the matter as to whether any amount is due from M/s. SKJ Coke Industries to the NEC. Parties may take recourse to such proceeding as it may seem fit and proper. However, the contempt proceeding is dropped.

It is also stated that a sum of Rs. 36,54,222/- has been found payable in favour of Somal Pipes Pvt. Ltd. and a sum of Rs. 36,19,801/- has been found payable in favour of M/s. Oriental Ceramics & Refractories (P) Ltd. It is stated that the said claims have been admitted and the amounts have been credited to the

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accounts of the parties concerned.

In the event the parties do not agree to the said proposal, the NEC shall remit the respective amounts, as per the demands made by them, by demand drafts to the aforementioned parties. The contempt petition is closed.

Western Coalfields Limited (WCL):

Let the matter relating to WCL be listed after two weeks.

Bharat Coking Coal Ltd. (BCCL):

It is stated by the learned counsel Mr. Sachthey that the Registry has furnished the details of 72 claimants, who had earlier not been identified as petitioners before this Court, only yesterday.

Put up the matter after four weeks so as to enable the Committee of the BCCL to go through the claims of the respective claimants in the meantime and for compliance of our order dated 9.5.2008.

Central Coalfields Ltd. (CCL):

Let the matter relating to CCL be listed after four weeks as the learned Additional Solicitor General states that although an affidavit has been filed by the Sales Manager of the Central Coalfields Ltd., the statements made therein require some sort of cross-checking. We have been assured by the learned Additional Solicitor General that a comprehensive affidavit shall be filed by that time.

Learned counsel for the petitioner may also sit with Mr. Sachthey so as to enable him to exchange the details of the claims made by the respective claimants whose claims are stated to be not maintainable.

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I.A.No..... in T.C.(C) No.26/2006 may be listed after two weeks.

I.A.No.7 in C.A.No. 5303/2006 & I.A.No.7 in C.A.No.
5302/2006 may be listed after three weeks.

(A.S. BISHT)
COURT MASTER

(VIJAY DHAWAN)
COURT MASTER