

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 T.C.(C) No.113/2005
(For directions and office report)

WITH

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

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

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

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

I.A.No.... in I.A.No.1 T.C.(C) No. 120/2005
(For directions and direction/clarification)

I.A.No.... and I.A.No.1 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.No.4 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

Date: 14/03/2008 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.B. SINHA
HON'BLE MR. JUSTICE P.P.NAOLEKAR

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For Petitioner(s) Mr. Raju Ramachandran, Sr. Adv.
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For Respondent(s) Mr. G.E. Vahanvati, SG
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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.

UPON hearing counsel the Court made the following
ORDER

It is stated by the learned Solicitor General appearing for the Coal companies that out of 138 applications, wherefor a direction was passed for finalisation of their claims in terms of the order of this Court dated 8.1.2008; 65 have been identified as applicants before us. Out of said 65 applicants, 47 have submitted their undertakings in terms of order dated 18.02.2008 and the rest are likely to submit their undertakings to Bharat Coking Coal Ltd. In that view of the matter, the Registry is directed to pay the amount due to them from the amount deposited by the Coal companies subject to their furnishing undertakings and original receipts.

So far as the list of 72 applicants, as specified in paragraph 9 of the affidavit affirmed by Shri Amit K. Roy, General Manager (Sales) in I.A.Nos.2-4 in T.C. No. 27/2006, is concerned, the Registry may also make requisite payments on their furnishing undertakings

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and original receipts. The Registry is, however, directed to pay such amounts which stand admitted by the Coal companies, without prejudice to the rights and contentions of the applicants.

It appears that in our order dated 8.1.2008, a mistake has occurred relating to the Western Coalfield Ltd.. It is stated that in so far as 12 matters pertaining to the said coal companies involving 138 applicants are concerned, out of the said 12 matters, 4 are not relevant for our purpose being pertaining to brick kiln matters and the applicants concerned have not filed any undertaking before this Court, the applicants had filed writ petition before the Nagpur Bench of the Bombay High Court. It is therefore clarified that such applicants need not file any undertaking. To that extent, the order dated 8.1.2008 is modified.

Put up on 28th March, 2008 for further orders at 1.15 p.m.
Application for impleadment is dismissed.

(A.S. BISHT)
COURT MASTER

(PUSHAP LATA BHARDWAJ)
COURT MASTER