

ITEM NOS.401 & 402

COURT NO.6

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)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

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(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 CONT. PET. (C) No.138/2007 in C.A. No.5324/2006

(Appln. for directions)

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

(Appln. for directions)

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)

Date: 30/10/2007 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.B. SINHA

HON'BLE MR. JUSTICE P.P.NAOLEKAR

For Petitioner(s) Mr. Devasish Bharukha,Adv.

Mrs. Hansa Bharukha,Adv.

Mr. Pakaja Bhagat,Adv.

Mr. S.D. Sanjay,Adv.

Dr. Sushil Balwada,Adv.

Mr. Raju Ramachandran, Sr.Adv.

Mr. Rudreshwar Singh,Adv.

Mr. Tapeshe Kumar Singh,Adv.

Mr. Kaushik Poddar,Adv.

Mr. Jitendra Mohan Sharma,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.

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Mr. Ashwani K. Dhatwalia,Adv.

Mr. Amit Meharia,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.

Mr. Gopal Subramaniam, ASG

Mr. R.A. Rana,Adv.

Mr. R.C. Kiathia,Adv.

Mr. D.S. Mahra,Adv.

Mr. Ajit Kumar Sinha,Adv.

Mr. Rana Kukherjee,Adv.

Mr. Siddharth Gautam,Adv.

Mr. Goodwill Indeevar,Adv.

Mr. B.B. Singh,Adv.

UPON hearing counsel the Court made the following
ORDER

Let the amount deposited by the Coal India Ltd. be invested on a short term fixed deposit for 60 days.

It is stated by the learned Solicitor General that Mr. A.P. Singh, General Manager (Sales), CCL, has not been able to appear in Court today as his father has expired. His personal appearance is exempted.

The learned Solicitor General appearing on behalf of the alleged contemnors tenders an unqualified apology on their behalf. The learned Solicitor General does not press the other I.As. He also does not press the other contentions raised in the affidavits of the respective alleged contemnors.

It is submitted by the learned Solicitor General that the amount paid by the petitioners, in excess of the notified price shall be refunded to them upon verificati

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of the documents which may be submitted in that behalf.

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We, while accepting the apology tendered by the alleged contemnors, direct as under:

- (i) The petitioners shall furnish all documents to the learned Advocates-on-Record of the respondents, showing the actual payments made to any of the subsidiaries of the Coal India Ltd. and the difference between the amount paid and the amount notified, by 12th November, 2007.
- (ii) The documents furnished by the petitioners shall be verified by the officers of the concerned Coal companies within four weeks thereafter.
- (iii) In case of any difference, the learned counsel would deliberate upon the matter so as to enable them to come out with an accepted solution.
- (iv) The Bank guarantee furnished by the petitioners shall stand discharged.

In view of the aforementioned directions, personal appearance of the alleged contemnors is dispensed with till further orders.

Post this matter for further orders, if any, on 8th January, 2008.

(A.S. BISHT)
COURT MASTER

(PUSHAP LATA BHARDWAJ)
COURT MASTER