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SLP(C)No. 4738 OF 2003

ITEM No.22

Court No. 5

SECTION XIA

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

Petition(s) for Special Leave to Appeal (Civil) No.4738/2003

(From the judgement and order dated 13/12/2002 in OJC 5426/01  
of The HIGH COURT OF ORISSA AT CUTTACK)

CENTRAL ELECT.SUPPLY CO.,ORISSA LTD&ANR.

Petitioner (s)

VERSUS

HARISHANKAR GIRLA AND ANR.

Respondent (s)

(With prayer for interim relief)

Date : 31/03/2003 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.C. LAHOTI  
HON'BLE DR. JUSTICE AR. LAKSHMANAN

For Petitioner (s)

Mr. Raj Kumar Mehta,Adv.

For Respondent (s)

UPON hearing counsel the Court made the following

O R D E R

The learned counsel for the petitioners submits that even if this Court is not inclined to interfere with other findings arrived at in the impugned judgment and the operative part thereof yet the question of law may be examined as it is likely to create problems in the working of the petitioners in future.

In view of the abovesaid submission, leave is granted for hearing, limited to the question whether the decision of the High Court holding the provisions of Sub-rule (2) of Rule 105 inconsistent with the provisions of the Indian Electricity Act and thus inoperative can be sustained?

The appeal shall be heard on the SLP paperbook. Parties may file additional documents, if any, within six weeks. Original record need not be requisitioned.

Issue notice on the grant of interim relief.

Until further orders operation of finding recorded in para 11 of the impugned judgment is stayed.

(Ajay Kr. Jain)

(Radha R. Bhatia)

Court Master

Court Master