

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

RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s).1501 OF 2005

M.P. STATE ELECTRICITY BD. THRU SECTY.

Appellant (s)

VERSUS

BHILAI POWER SUPPLY CO. LTD.

Respondent(s)

(With appln.(s) for ex-parte stay and permission to place additional docum  
ents on record and office  
report)

(for final disposal)

With SLP(C) No.5249/2005

(with prayer for interim relief and office report)

(for final disposal)

With I.A. Nos.41-44 in I.A. Nos.13-16 in C.A. Nos.1144-1147/2000

(for clarification/modification of court's order dated 21.01.2003, 13.02.2003  
and 18.02.2003 and office  
report)

Date: 02/05/2006 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. SRIKRISHNA

HON'BLE MR. JUSTICE R.V. RAVEENDRAN

For Appellant(s)

Mr. V.R. Reddy, Sr. Adv.

Mr. Sakesh Kumar, Adv.

Mr. Rohit Singh, Adv.

Mr. D.K. Sinha, Adv.

Mr. Arvind Sawant, Sr. Adv.  
Mr. Bharat Sangal, Adv.  
Ms. Sangeeta Panicker, Adv.  
Mr. R.R. Kumar, Adv.  
Mr. Samyadip Chatterji, Adv.

Mrs. Manik Karanjawala, Adv.

For Respondent(s)

Mr. Arvind Sawant, Sr. Adv.  
Mr. Bharat Sangal, Adv.  
Ms. Sangeeta Panicker, Adv.  
Mr. R.R. Kumar, Adv.  
Mr. Samyadip Chatterji, Adv.

Mr. Ravi Shankar Prasad, Sr. adv.  
Ms. Suparna Srivastava, Adv.  
Ms. Pooja Matlani, Adv.  
Mr. Rajesh Srivastava, Adv.

Mr. V.R. Reddy, Sr. Adv.  
Mr. Sakesh Kumar, Adv.  
Mr. Rohit Singh, Adv.  
Mr. D.K. Sinha, Adv.

Mr. Pramod Dayal, Adv.

Mr. Manu Nair, Adv. for  
M/s Suresh A. Shroff & Co.

Mr. Prakash Shrivastava, Adv.

Mr. Manoj Swarup, Adv.

Mr. Rameshwar Prasad Goyal, Adv.

UPON hearing counsel the Court made the following

O R D E R

We have heard the learned counsel and the vigorous arguments on both sides.

We are not satisfied that the order made by this Court as early as on 21.1.2003 has been

implemented by the Chattisgarh State Electricity Board (CSEB), Madhya Pradesh

State Electricity Board (MPSEB) as successor of the erstwhile Madhya Pradesh

Electricity Board (MPEB). After the bifurcation of the original State of Madhya

Pradesh into Chattisgarh and Madhya Pradesh, there appears to be a continuing

dispute between the two States as to who is responsible for which liability, and to what

extent. In our order of 21.1.2003, we clearly stated that the inter se rights available to

the States of Madhya Pradesh and Chattisgarh under the Reorganisation Act were

really of no consequence so far as the Respondents are concerned. This Court also

directed clearly in the said order the original Madhya Pradesh Electricity Board to pay

a sum of Rs. 55.23 crores to Bhilai Power Supply Co. Ltd. along with interest at the

rates charged by the bank for fixed deposit in 12 equal monthly instalments

commencing from 1.3.2003 to the appellants therein.

Since this amount was not paid, we directed the Madhya Pradesh State

Electricity Board to deposit a sum of Rs.27.66 crores which has been done on 29.3.2005.

That the amount is due and payable to the respondent company,

is not in

dispute at all. The statement of accounts showing the amounts invested, bank rates of interest and the amounts due at maturity, has been filed before us. We notice from this that after giving credit to the amount of Rs.27.66 crores deposited by the Madhya Pradesh State Electricity Board on 29.3.2005, an amount of Rs.625261546.00 would still be due and payable, according to the respondent's calculations.

In the circumstances, we make the following order:

1. The amount of Rs.27,66,00,000.00 deposited in this Court together with interest earned thereupon shall be permitted to be withdrawn by the respondent -

Bhilai Power Supply Co. Ltd.

2. The Madhya Pradesh State Electricity Board shall deposit a sum of Rs.17.44 crores and Chattisgarh State Electricity Board shall deposit a sum of Rs.45.10 crores in this Court on or before 15.7.2006. Upon deposit, this amount shall forthwith be placed in a fixed deposit of a Nationalised Bank for a period of six months.

3. The inter se liability between the two Electricity Boards shall be decided after hearing the counsel for all the parties.

Fix for hearing on 18.7.2006.

(K.K. Chawla)

Court Master

(Radha R. Bhatia)

Court Master