

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. 5172 OF 2007

STATE OF CHATTISGARH & ORS. Appellant (s)
VERSUS
A.C.C. LTD. & ORS. ETC. ETC. Respondent(s)
(With appln. for permission to file counter affidavit & permission
to file addl.documents and exem.from filing O.T., and O.Report)

WITH SLP(C) NO. 17748 of 2007
(With appln.for permission to urge addl.grounds and permission to
file rejoinder affidavit prayer for interim relief and office
report)

SLP(C) NO. 1797 of 2008
(With prayer for interim relief and office report)

SLP(C) NO. 18740 of 2007
(With appln.for permission to file rejoinder affidavit and with
prayer for interim relief and office report)

SLP(C) NO. 18794 of 2007
(With prayer for interim relief)

SLP(C) NO. 20310 of 2007
(With prayer for interim relief and office report)

SLP(C) NO. 21532 of 2007
(With prayer for interim relief and office report)

SLP(C) NO. 21948 of 2008
(With prayer for interim relief)

SLP(C) NO. 22203 of 2007
(With appln.for directions and with prayer for interim relief and
office report)

SLP(C) NO. 22433-22438 of 2007
(With appln.for directions/stay and with prayer for interim relief
and office report)

SLP(C) NO. 23317 of 2007
(With prayer for interim relief and office report)

SLP(C) NO. 23442 of 2007
(With prayer for interim relief and office report)

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SLP(C) NO. 25548 of 2007
(With prayer for interim relief and office report)

SLP(C) NO. 27183 of 2008
(With office report)

SLP(C) NO. 3094 of 2008
(With prayer for interim relief and office report)

Civil Appeal NO. 4590 of 2009
(With office report)

SLP(C) NO. 4994 of 2008
(With prayer for interim relief and office report)

Civil Appeal NO. 5177 of 2007
(With prayer for interim relief and office report)

Civil Appeal NO. 5180 of 2007
(With prayer for interim relief and office report)

Civil Appeal NO. 5291 of 2007
(With office report)

Date: 23/03/2010 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE D.K. JAIN
HON'BLE MR. JUSTICE T.S. THAKUR

For Appellant(s) Mr.Harish N. Salve, Sr.Adv.
Mr.Atul Jha, Adv.
Dr. Manish Singhvi, Adv.for
Mr. Dharmendra Kumar Sinha,Adv.

Mr.K.K. Venugopal, Sr.Adv.
Mr. Shyam Divan,Sr.Adv.
Mr.Sanjay Kumar, Adv.
Mr.Kumar Mihir, Adv.
Mr.Avinash Menon, Advo.
M/s Khaitan & Co.

Mr. Arvind Minocha, Adv.

Mr.Rishi Agrawala, Adv.
Mr.Gaurav Goel, Adv.
Mr.Mahesh Agarwal, Adv.
Mr. E.C. Agrawala, Adv.

Mr.Dhruv Aggarwal, Sr.Adv,
Mr. Praveen Kumar, Adv.

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in CA.No.5177/2007 Mr.Akshat Shrivastava, Adv.
Mr. P.P. Singh

Mr.Ravindra Srivastava, Sr.Adv.
Mr.Arvind Varma, Sr.Adv.
Ms.Pinky Behera, Adv.
Ms.Priyanka Midha, Adv.
Ms. T.Mahipal, Adv.

Mr. Niraj Sharma, Adv.

Mr. Vikas Mehta, Adv.

For Respondent(s) Mr. Devashish Bharuka,Adv.

Mr.Mahesh Agarwal, Adv.
Mr. E.C. Agrawala ,Adv

for rr.No.1 in CA.No.5172/2007 Mr.T.R. Andhyarujina, Sr.Adv.
Mr.U.A. Rana, Adv.
Mr.Mrinal, Adv.for
M/S Gagrat & Co. ,Adv

Ms. B. Vijayalakshmi Menon ,Adv

Mr. C.G. Solshe ,Adv

Dr. Kailash Chand ,Adv

Ms. Vibha Datta Makhija ,Adv

Mr.Ravindra Srivastava, Sr.Adv.
Mr.Kunal Verma, Adv.
Mr.Anup Jain, Adv.
Ms.Vibha Dutta Makhija, Adv.
Mr.Kailsh Chand, Adv.
Mr.K. Krishnan, Adv.
Ms.Chhavi Batra, Adv.
Mr.P.C. Sen, Adv.
Mr.Virender Rawat, Adv.
Ms. Sonal Tripathi, Adv.
Mr. Arun Kumar Beriwal ,Adv

State of MP

Mr.S.K. Dubey, Sr.Adv.
Mr.Vikas Upadhyay, Adv.
Mr. B.S. Banthia, Adv.
Mr.Yogesh Tiwari, Adv.

Mr. Dharmendra Kumar Sinha, Adv.

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for rr MPSRB

Mr.C.S. Vaidyanathan, Sr.Adv.
Mr.M.L. Jaiswal, Sr.Adv.
Mr.Sakesh Kumar, Adv.
Ms. K.V.Bharathi Upadhyaya, Adv.

Mr. Soli Sorabjee,Sr.Adv.
Mr. Kunal Verma,Adv.
Mr. Arun Beriwal,Adv.

Mr.Kumar Mihir, Adv.
Mr.Sanjeev K. Kapoor, Adv.
M/S. Khaitan & Co. ,Adv

Mr.Ravindra Shrivastava, Sr.Adv.
Ms.Vibha Dutta Makhija, Adv.

Mr.Arvind Varma, Sr.Adv.
Mr.T. Mahipal, Adv.

Mr.Vivek K. Tankha, Sr.Adv.
Mr.S.K. Duney, Sr.Adv.
Mr.Vikas Upadhyay, Adv.
Mr.B.S. Banthia, Adv.

Mr.Rakesh Srivastava, Adv.
Mr.Arvind Varma, Sr.Adv.
Ms.Pinky Behera, Adv.
Mr.T.Mahipal, Adv.

UPON hearing counsel the Court made the following
O R D E R

We have heard Mr. Harish N. Salve, learned Senior Counsel for the petitioners - State of Chattisgarh at some length. We are of the view that some of the issues raised in this batch of cases, including the question of Constitutional validity of a State legislation, viz. Section 2(2) of the Chattisgarh Upkar (Sanshodhan) Adhiniyam, 2004

(Amendment Act No. 26 of 2004) is of seminal importance, these matters deserve to be heard by a larger Bench. Accordingly, we direct that papers of

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bunch of cases shall be laid before Hon'ble the Chief Justice of India for appropriate orders with regard to the constitution of a larger Bench.

In the meanwhile, we direct all the respondents in Civil Appeal No. 5172/2007 (Writ Petitioners before the High Court) to file an affidavit giving the actual figures of the total electricity produced, consumed captively, sold/supplied, yearwise details, to the third parties for the last five years, if any. The affidavit shall be filed within four weeks.

Keeping in view the urgency of the matters, let all the cross appeals and connected appeals be listed in the week commencing 16th August, 2010. The matters shall not be treated as part-heard.

[Arvind]
Sr.PA

[Pushap Lata Bhardwaj]
Court Master