

ITEM NO.105

COURT NO.6

SECTION IV

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). 6058-6059 OF 2000

HARYANA OILS & SOYA LTD.

Appellant (s)

VERSUS

HARYANA STATE ELECTRICITY BOARD & ANR.

Respondent(s)

(With office report)

Date: 22/03/2007 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.K. SEMA

HON'BLE MR. JUSTICE V.S. SIRPURKAR

For Appellant(s)

Mr. Manoj Swarup, Adv.

Mr. Kakunakar Mahalik, Adv.

For Respondent(s)

Mr. Neeraj Kumar Jain, Adv.

Mr. Sanjay Singh, Adv.

Mr. Vikrant Hooda, Adv.

Mr. Sandeep Chaturvedi, Adv.

Mr. Ugra Shankar Prasad, Adv.

UPON hearing counsel the Court made the following

O R D E R

The appeals are disposed of in terms of the signed order.

(Ravi P. Verma)

Court Master

(Anand Singh)

Court Master

[Signed order is placed on the file]

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 6058-6059 OF 2000

HARYANA OILS & SOYA LTD.

APPELLANT(S)

Versus

HARYANA STATE ELECTRICITY
BOARD & ANR.

RESPONDENT(S)

O R D E R

The order impugned is against the order dismissing ad-

interim injunction with regard to the payment of penalty of

Rs.5,25,000/-. In the interregnum, pursuant to our order dated

20/10/2000, the appellant has deposited the entire amount of

Rs.5,25,000/-. In this view of the matter, the appeal has become

infructuous.

Learned counsel for the appellant, however, raise an apprehension with regard to the observation of the High Court that the Civil Court has no jurisdiction to entertain the plaint. This is only an observation and no finding has been recorded thereunder. Similarly, the High Court on page 7 of its judgment made it abundantly clear by observing - "However, nothing stated above shall

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be taken as an expression of opinion on the merits of the case." We are, accordingly, of the view that there will be no scope of apprehension. As a matter of abundant caution, we clarify that the trial Court shall proceed to decide the suit on merit uninfluenced by any observation made by the High Court, leaving all the questions open. We further clarify that the payment of penalty shall also be subject to the final outcome of the Civil Suit.

Appeals are disposed of.

.....J.

(H.K. SEMA)

New Delhi;

.....J.

March 22, 2007.

(V.S. SIRPURKAR)