

C.A.No. 6519 OF 1997
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 6519 OF 1997

TULSIAN COAL SYNDICATE

APPELLANT

VERSUS

U.O.I. & ORS.

RESPONDENTS

O R D E R

The appellant was appointed as a Whole Sale Trader by the respondent No.2 for a period of three years from 12.1.1996. Their contract was terminated by respondent No.2 by letter dated 18.11.1996 based on their circular dated 11.3.1996 under which a new liberalised sale scheme (modified) had been introduced. Clause 5.0 of the Agreement governing the appointment of the appellant, permitted for such termination.

The learned counsel for the appellant contended that the new liberalised sale scheme (modified) introduced by the circular dated 11.3.1996 was not in existence on 18.11.1996. According to him, the order of termination issued, based on a non-existing scheme, was not valid. He also submitted that both the respondents in their counter

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affidavit filed, have submitted that the new liberalised sale scheme (modified) as per the circular dated 11.3.1996 was not implemented as it was unworkable. The learned counsel added that on account of the termination of his contract wrongly, the appellant has suffered loss. Per contra, the learned counsel for the respondents submitted that when the period of contract, even otherwise, has come to an end by 11.1.1999, it may not be necessary to examine the merits of the contentions raised in this appeal.

In the light of the above contentions advanced on behalf of the parties, we think it is unnecessary to go into the merits of the contentions raised in this appeal, taking note of the fact that the period of contract itself has come to an end, no useful purpose will be served in examining the merits of the contentions raised. At the same time, if the appellant has any remedy available to it on account of termination of their contract prematurely, without proper basis, the liberty must be given to it to

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approach the appropriate authorities or avail appropriate remedy available to them in accordance with law.

Subject to what is stated above, the appeal stands disposed of accordingly. No costs.

(SHIVARAJ V. PATIL)

.....J.

.....J.

New Delhi, (D.M. DHARMADHIKARI)
September 4, 2003.

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. 6519 OF 1997

TULSIAN COAL SYNDICATE .. APPELLANT
VERSUS

U.O.I. & ORS. .. RESPONDENTS
(With office report)

DATE: 04/09/2003 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SHIVARAJ V. PATIL
HON'BLE MR. JUSTICE D.M. DHARMADHIKARI

For appellant (s)Mr. Dhruv Agrawal, Adv.
Mr. Sunil Kumar Singh, Adv.
Ms. Mukti Singh, Adv.
Ms. Manjula Gupta, Adv.

For respondent (s)Mr. Kailash Vasdev, Sr.Adv.
No.1Mr. Y.P. Mahajan, Adv.
Ms. Sushma Suri, Adv.
Mr. Arvind Kumar Sharma, Adv.

Nos. 2 to 4Mr. Anip Sachthey, Adv.
Mr. Shrinivas R. Khalap, Adv.

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

Heard learned counsel for the parties for 15 minutes.
The appeal is disposed of in terms of the signed order. No costs.

Sarita(Shelly Sengupta)
Court Master

(Signed order is placed on the file)