

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(s).12262/2004

(From the judgement and order dated 04/09/2003 in WP No. 992/2003
of The HIGH COURT OF BOMBAY)

ASHISH CHEMBURKAR & ORS. Petitioner(s)

VERSUS

M.P. ELECTRICITY BOARD & ORS. Respondent(s)

(With appln(s) for c/delay in filing SLP,exemption from filing c/c
of the impugned Judgment,permission to file additional
documents,PERMISSION TO FILE ADDITIONAL AFFIDAVIT,PERMISSION TO
FILE VOLUME-II and prayer for interim relief and office report)

WITH SLP(C) NO. 12263 of 2004

(With appln.(s) for C/delay in filing SLP and exemption from filing
C/C of the impugned judgment and permission to file Volume-II and
permission to file additional affidavit and exemption from filing
O.T. and permission to file Rejoinder Affidavit and with prayer for
interim relief and office report)

SLP(C) NO. 17750 of 2004

(With appln.(s) for C/delay in filing SLP and exemption from
filing C/C of the impugned judgment and permission to file Volume-
II and exemption from filing O.T. And with prayer for interim
relief and office report)

SLP(C) NO. 17751 of 2004

(With appln.(s) for C/delay in filing SLP and exemption from filing
C/C of the impugned judgment and permission to file Volume-II and
permission to file additional affidavit and with prayer for interim
relief and office report)

Date: 20/11/2009 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B. SUDERSHAN REDDY
HON'BLE MR. JUSTICE DEEPAK VERMA

For Petitioner(s)

Mr. Praveen Jain, Adv.
Mr. Mukesh Kumar, Adv.
For M/S. M.V. Kini & Associates,Adv.

For Respondent(s)

Mr. Niraj Sharma,Adv.

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-2-

Mr. S.N. Terdal, Adv.
Mr. Rahul Kaushik, adv.
Mr. B. Krishna Prasad ,Adv

Mr. Vikrant Singh Bais, Adv.
Mr. B.S. Banthia ,Adv

Ms. Suparna Srivastava, Adv.
Ms. Sudarshini Ray, adv.
Mr. Ram Swarup Sharma, Adv.

Mr. Rajesh Srivastava ,Adv

Mr. Rakesh Uttamchandra Upadhyay, Adv.

Mr. S.R. Singh, Sr.Adv.
Mr. Shail Kumar Dwivedi, AAG
Mr. Abhishek Chaudhary, Adv.
Mr. Anuvrat Ssharma, Adv.
Ms. Alka Sinha, Adv.

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

Delay condoned.
Leave granted in all the matters.
The appeals are disposed of in terms of the
signed order.

(Sukhbir Paul Kaur)
Court Master

(Vijay Dhawan)
Court Master

(Signed Order is placed on the file)
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.7678 OF 2009
(Arising out of S.L.P.(C) No.12262 of 2004)

ASHISH CHEMBURKAR & ORS. Appellant(s)

Versus

M.P. ELECTRICITY BOARD & ORS. Respondent(s)

WITH

CIVIL APPEAL NO.7679 OF 2009
(Arising out of S.L.P.(C) No.12263 of 2004)

ASHISH CHEMBURKAR & ORS. Appellant (s)

Versus

U.P. COOP. SPINNING MILLS FED. LTD. & ORS. Respondent(s)

CIVIL APPEAL NO.7680 OF 2009
(Arising out of S.L.P.(C) No.17750 of 2004)

M.C.G.M. Appellant (s)

Versus

U.P. COOP. SPINNING MILLS FED. LTD. & ANR. Respondent(s)

CIVIL APPEAL NO.7681 OF 2009
(Arising out of S.L.P.(C) No.17751 of 2004)

M.C.G.M. Appellant(s)

Versus

M.P. ELECTRICITY BOARD & ORS. Respondent(s)

O R D E R

Delay condoned.

Leave granted in all the matters.

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-2-

These appeals are directed against the order dated September 4, 2003 passed by the High Court of Judicature at Bombay in Writ Petition Nos. 989 to 992 of 2003 whereby the High Court having rejected the prayer clause (a) of the Writ Petition directed Rule to be issued on prayer Clauses (b) and (c).

The appellant in the writ petition No. 990 of 2003 (in SLP(C) No. 17750 of 2004) prayed for the following reliefs :-

(a) This Hon'ble Court may be pleased to issue a writ of mandamus or a writ in the nature of mandamus ordering and directing the State of Uttar Pradesh, being Respondent No.1, by an order and direction to make payment to the petitioners of the sum of Rs.64 lacs, being the outstanding amount, payable as of date as also direct the State of Uttar Pradesh, and/or Respondent No.1 to make payment to the petitioners of such amounts as may fall due and by way of interest payments in respect of the said bonds and the principal amount of the said bonds, as and when the same falls due.

(b) pending the hearing and final disposal of the present writ petition, the Respondents be directed by an interim order and injunction of this Hon'ble Court

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-3-

to make payment to the petitioners of the sum of Rs.64 lacs, being the outstanding amount, payable as of date and further amounts of interest as and when they fall due as also the principal amount, on the date of redemption of the bonds.

(c) interim reliefs in terms of prayer (b) above.
(d) for costs.
(e) for such further and other reliefs as this
Hon'ble Court may deem fit.

It is submitted that prayer clauses (a) and
(b) were interrelated and the High Court was not
justified in rejecting the prayer clause (a) without
assigning any reason whatsoever. It was submitted that
rejection of prayer clause (a) may ultimately result in
dismissal of the writ petition.

We have heard learned counsel for both the
parties and perused the material available on record.

It is true as contended by learned counsel for
the appellant that the High Court without assigning any
reason as to why it was not inclined to accept the
prayer clause (a) rejected the same even at the
threshold stage. The High Court, in our considered
opinion ought to have directed Rule in respect of both
the prayers made.

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-4-

The impugned order, so far as rejecting prayer
clause (a), is accordingly set aside. The High Court
is requested to hear the writ petition on merits and
consider both the prayers made in clause (a) and (b) of
the writ petition.

Since the matter has been pending here ever
since 2004, we request the High Court to hear and
dispose of the matter as expeditiously as possible
preferably within six months from today.

These appeals are accordingly, disposed of.

.....J.
(B.SUDERSHAN REDDY)

.....J.
(DEEPAK VERMA)

New Delhi,
November 20, 2009