

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.7010/2003 (For Prel. Hearing)

DABHOL POWER COMPANY

Appellant (s)

VERSUS

MAHARASHTRA STATE ELECTRICITY BOARD &ORS

Respondent (s)

(With appln.(s) for intervention by Union of India for making oral submission at the time of final hearing of appeal and impleadment in I.A.No.3 on behalf of I.D.B.I. and office report)

Date : 02/12/2003 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE Y.K. SABHARWAL
HON'BLE MR. JUSTICE D.M. DHARMADHIKARI

For Appellant (s)Mr. P. Chidambaram, Sr.Adv.
Mr. Manmohan, Sr.Adv.

Mr. Bhargava V. Desai,Adv.

Mr. Abhinav Vashisht, Adv.

Ms. Rashmi Kathpalia, Adv.

Mr. Sanjeev Kr. Singh, Adv.

Mr. Pradeep Kr.Malik, Adv.

Mr. Chattrashal, Adv.

For MSEB-Resp.No.1:Mr. T.R. Andhyarujina, Sr.Adv.

Mr. Shyam Divan, Adv.

Mr. Rajiv Nanda, Adv.

Mr. Ajay Khatlawala, Adv.

Ms. Ramni Taneja, Adv.

Mr. Mukesh Tyagi, Adv.

For IDBI:Mr. Harish N. Salve, Sr.Adv.

Mrs. P.S. Shroff, Adv.

Mr. Sunil Dogra, Adv.

Ms. Sayali Phatak, Adv.

for M/s. S.A.Shroff & Co., Adv.

For Intervenor:

-UOI:Mr. Soli J. Sorabjee, A.G.

Mr. Maninder Singh, Adv.

Mrs.Pratibha M. Singh, Adv.

Mr. Ankur Talwar, Adv.

Mr. Kirtiman Singh, Adv.

Mr. Sunil Mathew, Adv.

Mr. Angad Mirdha, Adv.

Mr. D. Mehta, Adv.

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

This order is in continuation of proceedings dated 17th November, 2003.

Mr.Chidambaram, learned senior counsel, submits that, without prejudice to the plea of Capital India Power Mauritius-I and Energy Enterprise Mauritius Company about submitting to the jurisdiction of this Court, he has instructions to place their view point before this Court in regard to restart of the plant and fixation of interim tariff. Applications have also been filed for impleadment and/or intervention by financial institutions and the Government of India. Having regard to the nature of the controversy and the stakes in issue, we think it would be expedient to grant an opportunity of hearing to the financial institutions, the Government of India, the two companies above noted as also the Government of Maharashtra, besides the parties in these proceedings.

Thus, notice shall be issued to the Government of Maharashtra. Further, having regard to the controversy, for considering the two issues, namely, restart of plant and fixation of interim tariff, Capital India Power Mauritius-I and Energy Enterprise Mauritius Company, are impleaded as parties so as to pass an interim order after granting them an opportunity of hearing. The financial institutions may serve these two parties.

All the parties would be heard on the issues of restart of the plant and fixation of interim tariff.

Affidavits on these aspects be filed by all concerned within one week and responses thereto within one week thereafter.

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The application of the Government of India for intervention would also stand over for the next date of hearing.

The documents that may be filed on these aspects shall be accepted by the Registry even though a party may not have been formally impleaded.

List on 17th December, 2003.

(N. Annapurna)
Court Master

(V.P. Tyagi)
Court Master