

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

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 : 17/11/2003 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE Y.K. SABHARWAL
HON'BLE MR. JUSTICE B.N. AGRAWAL

For Appellant (s)Mr. P. Chidambaram, Sr.Adv.
Mr. Kapil Sibal, Sr.Adv.
Mr. Manmohan Sr.Adv.
Mr. Bhargava V. Desai,Adv.
Mr. Abhinav Vashisht, Adv.
Mr. Sanjeev Kr. Singh, Adv.
Ms. Rashmi Kathpalia, Adv.
Mr. Chattrashal, Adv.

For MSEB-Resp.No.1:Mr. F.S. Nariman, Sr.Adv.
Mr. T.R. Andhyarujina, Sr.Adv.
Mr. Shyam Divan, Adv.
Ms. Ayesha Mishra, Adv.
Mr. Rajiv Nanda, Adv.
Mr. Ajay Khatlawala, Adv.
Ms. Alpna Dhake, 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., Advs.

For Intervenor:

-UOI:Mr. Soli J. Sorabjee, A.G.
Mr. Maninder Singh, Adv.
Mrs.Pratibha M. Singh, Adv.
Mr. Kirtiman Singh, Adv.
Mr. Sunil Mathew, Adv.
Mr. Angad Mirdha, Adv.

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

We have heard learned counsel for the parties appearing before us. They have no objection to restart of Dabhol Power Plant as an interim measure. It is agreed that it would be in the interest of all if the Plant restarts and starts generating power. Prima facie, we are also of the same opinion. In order to obviate any future difficulty or litigation or dispute, we direct the Dabhol Power Company through its learned counsel to take instructions from Capital India Power Mauritius-I and Energy Enterprise Mauritius Company, who are the shareholders and contractors of the Dabhol Power Company, on the question of restart of the Dabhol Power Plant. List on 1st December, 2003.

The question about fixation of interim tariff will be considered on the next date of hearing. The application for intervention by Union of India and the application for impleadment by IDBI be taken up on the next date of hearing.

(N. Annapurna) (V.P. Tyagi)
Court Master Court Master