

ä

C.A.No. 7632-7633 OF 2004
ITEM No.101

Court No. 5

SECTION IX

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.7632-7633/2004

DABHOL POWER CO. & ORS.

Appellant (s)

VERSUS

MAHARASHTRA POWER DEV. CORPN. LTD. & ORS
(With prayer for interim relief)

Respondent (s)

Date : 28/04/2005 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.N. VARIAVA
HON'BLE DR. JUSTICE AR. LAKSHMANAN

For Appellant (s)Mr. K.K. Venugopal, Sr. Adv.
Dr. Abhishek Manu Singhvi, Adv.
Mr. Manmohan, Sr. Adv.
Mr. Abhinav Vasisht, Adv.
Ms. Radha Rangaswamy, Adv.

For Respondent (s)Mr. F.S. Nariman, Sr. Adv.
Mr. T.R. Andhyarujina, Sr. Adv.
Mr. Navroj Seervai, Adv.
Mr. S.H.Merchant, Adv.
Mr. Rahul Chitnis, Adv.
Ms. Bina Gupta, Adv.
Mr. Shrish Vardhan, Adv.
Mrs. Rakhi Ray, Adv.

UPON being mentioned the Court made the following

O R D E R

Mr. K.K. Venugopal, learned senior counsel appearing on behalf of the Appellants in Civil Appeal Nos. 7632-7633 of 2004 states, on instructions, that the name of Respondent No. 7 may be deleted from the array of parties. Accordingly, the name of Respondent No. 7 is deleted at his risk.

The Civil Appeals are dismissed in terms of the signed order with no order as to costs.

(K.K. Chawla)
Court Master

(Jasbir Singh)
Court Master

{Signed order is placed on the file}
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.7632-7633 OF 2004

DABHOL POWER CO. & ORS.

Appellant (s)

VERSUS

MAHARASHTRA POWER DEV. CORPN. LTD. & ORS

Respondent (s)

O R D E R

Mr. K.K. Venugopal, learned senior counsel appearing on behalf of the Appellants in Civil Appeal Nos. 7632-7633 of 2004 states, on instructions, that the name of Respondent No. 7 may be deleted from the array of parties. Accordingly, the name of Respondent No. 7 is deleted at his risk. It seems that notice has not yet been received back from Respondent No. 3. However, in connected Special Leave Petition (Civil) No. 8489 of 2004 which is also on board today and which is between the same parties Respondent No. 3 has been served. He has chosen not to appear therein. We are informed that he has not participated in any proceeding. We, therefore, allow Mr. Venugopal to proceed.

We now find that these Appeals are against two orders dated 10th October, 2003 wherein the Division Bench has held against the Appellants on the question of maintainability of a Letters Patent Appeal and has extended interim orders till disposal of Appeal. We are told that the High Court has proceeded and finally heard and disposed of the Appeal by an order dated 31st March, 2004. In view of the fact that the High Court has already disposed of the Appeal, in our view, the argument on maintainability has become academic. Also the Appeal against continuance of interim order has become infructuous. We thus see no reason to entertain these Appeals. Leaving the question of law as to the maintainability of the Appeal open, we dismiss these Appeals with no order as to costs.

.....J.
(S.N. Variava)

.....J.
(Dr. AR. Lakshmanan)

New Delhi;
April 28, 2005.

ã
C.A.No. 7632-7633 OF 2004
ITEM No.101

Court No. 5

SECTION IX

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.7632-7633/2004

DABHOL POWER CO. & ORS.

Appellant (s)

VERSUS

MAHARASHTRA POWER DEV. CORPN. LTD. & ORS
(With prayer for interim relief)

Respondent (s)

Date : 28/04/2005 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.N. VARIAVA
HON'BLE DR. JUSTICE AR. LAKSHMANAN

For Appellant (s)Mr. K.K. Venugopal, Sr. Adv.
Dr. Abhishek Manu Singhvi, Adv.
Mr. Manmohan, Sr. Adv.
Mr. Abhinav Vasisht, Adv.
Ms. Radha Rangaswamy, Adv.

For Respondent (s)Mr. F.S. Nariman, Sr. Adv.
Mr. T.R. Andhyarujina, Sr. Adv.
Mr. Navroj Seervai, Adv.
Mr. S.H. Merchant, Adv.
Mr. Rahul Chitnis, Adv.
Ms. Bina Gupta, Adv.
Mr. Shrish Vardhan, Adv.
Mrs. Rakhi Ray, Adv.

UPON being mentioned the Court made the following

O R D E R

Mr. K.K. Venugopal, learned senior counsel appearing on behalf of the Appellants in Civil Appeal Nos. 7632-7633 of 2004 states, on instructions, that the name of Respondent No. 7 may be deleted from the array of parties. Accordingly, the name of Respondent No. 7 is deleted at his risk.

The Civil Appeals are dismissed in terms of the signed order with no order as to costs.

(K.K. Chawla)
Court Master

(Jasbir Singh)
Court Master

{Signed order is placed on the file]
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.7632-7633 OF 2004

DABHOL POWER CO. & ORS.

Appellant (s)

VERSUS

MAHARASHTRA POWER DEV. CORPN. LTD. & ORS

Respondent (s)

O R D E R

Mr. K.K. Venugopal, learned senior counsel appearing on behalf of the Appellants in Civil Appeal Nos. 7632-7633 of 2004 states, on instructions, that the name of Respondent No. 7 may be deleted from the array of parties. Accordingly, the name of Respondent No. 7 is deleted at his risk. It seems that notice has not yet been received back from Respondent No. 3. However, in connected Special Leave Petition (Civil) No. 8489 of 2004 which is also on board today and which is between the same parties Respondent No. 3 has been served. He has chosen not to appear therein. We are informed that he has not participated in any proceeding. We, therefore, allow Mr. Venugopal to proceed.

We now find that these Appeals are against two orders dated 10th October, 2003 wherein the Division Bench has held against the Appellants on the question of maintainability of a Letters Patent Appeal and has extended interim orders till disposal of Appeal. We are told that the High Court has proceeded and finally heard and disposed of the Appeal by an order dated 31st March, 2004. In view of the fact that the High Court has already disposed of the Appeal, in our view, the argument on maintainability has become academic. Also the Appeal against continuance of interim order has become infructuous. We thus see no reason to entertain these Appeals. L

eaving the question of law as to the maintainability of the Appeal open, we dismiss these Appeals with no order as to costs.

.....J.
(S.N. Variava)

.....J.
(Dr. AR. Lakshmanan)

New Delhi;
April 28, 2005.