

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.2570 OF 2010

STATE OF BIHAR AND OTHERS

Appellant(s)

Versus

BIHAR SUGAR MILLS AND OTHERS

Respondent(s)

W I T H

CIVIL APPEAL NO. 3181 OF 2010, CIVIL APPEAL NO. 3182 OF 2010,  
CIVIL APPEAL NO. 3183 OF 2010, CIVIL APPEAL NO. 3184 OF 2010,  
CIVIL APPEAL NO. 3185 OF 2010, CIVIL APPEAL NO. 3186 OF 2010,  
CIVIL APPEAL NO. 3187 OF 2010, CIVIL APPEAL NO. 3188 OF 2010,  
CIVIL APPEAL NO. 3189 OF 2010, CIVIL APPEAL NO. 3190 OF 2010,  
CIVIL APPEAL NO. 3191 OF 2010, CIVIL APPEAL NO. 3193 OF 2010,  
CIVIL APPEAL NO. 3194 OF 2010, CIVIL APPEAL NO. 3195 OF 2010,  
CIVIL APPEAL NO. 3196 OF 2010, CIVIL APPEAL NO. 3197 OF 2010,  
CIVIL APPEAL NO. 3198 OF 2010, CIVIL APPEAL NO. 3199 OF 2010,  
CIVIL APPEAL NO. 3200 OF 2010, CIVIL APPEAL NO. 3201 OF 2010,  
CIVIL APPEAL NO. 3202 OF 2010, CIVIL APPEAL NO. 3203 OF 2010,  
CIVIL APPEAL NO. 3204 OF 2010, CIVIL APPEAL NO. 3205 OF 2010,  
CIVIL APPEAL NO. 3206 OF 2010, CIVIL APPEAL NO. 3207 OF 2010,  
CIVIL APPEAL NO. 3209 OF 2010, CIVIL APPEAL NO. 3210 OF 2010

T.C. (C) NO. 7 OF 2014, T.C. (C) NO. 5 OF 2014,  
T.C. (C) NO. 1 OF 2014, T.C. (C) NO. 4 OF 2014,  
T.C. (C) NO. 3 OF 2014, T.C. (C) NO. 6 OF 2014,  
T.C. (C) NO. 2 OF 2014, T.C. (C) NO. 8 OF 2014,

O R D E R

We have heard learned counsel for the  
parties.

Reference may be made to the Order dated  
20.8.2014, which reads as under :-

"Learned counsel appearing for the respondents submitted that after the amended Section 3(1) of the Bihar Electricity Duty Act and Notification No. S.O. No. 14 dated 4.3.2005 have been struck down by the High Court, the State has again come with amended provisions in the Act on 31<sup>st</sup> March, 2012. Learned counsel further submitted that because of the aforesaid amendment brought in the Act, these appeals have become infructuous. Learned counsel for the appellants is directed to clarify the position.

Let these matters come up on 2<sup>nd</sup> September, 2014."

Today, learned counsel appearing for the appellant-State of Bihar fairly submitted that after the amendment has been brought in 2005 retrospectively, the appeals have become infructuous. However, learned counsel submitted that there are other observations made in the judgment which needs to be considered.

In our view, after the amended Section 3(1) of the Act was struck down by the High Court and the State has again come with an amendment making it effective retrospectively, the appeals have become infructuous. However, we observe that any observation made in the impugned judgment will not, in any way, come in the way of the State in future.

With these observations all the civil appeals, mentioned above, stand dismissed as having become infructuous.

The rest of the eight transferred cases, which have been transferred from the High Court to this Court are re-transferred to the High Court for disposing of the same in the light of the order passed today in the civil appeals and also on the submission that may be made by the learned counsel for the parties. The T.C.(C) Nos. 1, 2, 3, 4, 5, 6, 7 & 8 of 2014 are accordingly disposed of.

Till further order is passed by the High Court, the interim order will continue.

.....J.  
(M.Y. EQBAL)

.....J.  
(ARUN MISHRA)

New Delhi,  
September 03, 2014.

ITEM NO.101

COURT NO.12

SECTION XVI

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 2570/2010

STATE OF BIHAR &amp; ORS.

Appellant(s)

VERSUS

BIHAR SUGAR MILLS &amp; ORS.

Respondent(s)

(with office report)

WITH

C.A. No. 3181/2010  
(With Office Report)  
C.A. No. 3182/2010  
(With Office Report)  
C.A. No. 3183/2010  
(With Office Report)  
C.A. No. 3184/2010  
(With Office Report)  
C.A. No. 3185/2010  
(With Office Report)  
C.A. No. 3186/2010  
(With Office Report)  
C.A. No. 3187/2010  
(With Office Report)  
C.A. No. 3188/2010  
(With Office Report)  
C.A. No. 3189/2010  
(With Office Report)  
C.A. No. 3190/2010  
(With Office Report)  
C.A. No. 3191/2010  
(With Office Report)  
C.A. No. 3193/2010  
(With Office Report)  
C.A. No. 3194/2010  
(With Office Report)  
C.A. No. 3195/2010  
(With Office Report)  
C.A. No. 3196/2010  
(With Office Report)  
C.A. No. 3197/2010  
(With Office Report)  
C.A. No. 3198/2010  
(With Office Report)  
C.A. No. 3199/2010  
(With Office Report)  
C.A. No. 3200/2010

(With Office Report)  
C.A. No. 3201/2010  
(With Office Report)  
C.A. No. 3202/2010  
(With Office Report)  
C.A. No. 3203/2010  
(With Office Report)  
C.A. No. 3204/2010  
(With Office Report)  
C.A. No. 3205/2010  
(With Office Report)  
C.A. No. 3206/2010  
(With Office Report)  
C.A. No. 3207/2010  
(With Office Report)  
C.A. No. 3209/2010  
(With Office Report)  
C.A. No. 3210/2010  
(With Office Report)  
T.C. (C) No. 7/2014  
(With Office Report)  
T.C. (C) No. 5/2014  
(With Office Report)  
T.C. (C) No. 1/2014  
(With Office Report)  
T.C. (C) No. 4/2014  
(With Office Report)  
T.C. (C) No. 3/2014  
(With Office Report)  
T.C. (C) No. 6/2014  
(With Office Report)  
T.C. (C) No. 2/2014  
(With Office Report)  
T.C. (C) No. 8/2014  
(With Office Report)

Date : 03/09/2014 These appeals and transferred cases were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.Y. EQBAL  
HON'BLE MR. JUSTICE ARUN MISHRA

For Appellant(s)

Mr. Manish Kumar, Adv.  
Mr. Chandan Kumar, Adv.  
Mr. Gopal Singh, Adv.

Mr. Praveen Kumar, Adv.

Dr. Sushil Balwada, Adv.

Mr. Ajit Kumar Sinha, Sr.Adv.  
Mr. S.D. Sanjay, Sr.Adv.  
Mr. Vibhor Niti, Adv.  
Mr. Devashish Bharuka,Adv.

For Respondent(s)

Dr. Sushil Balwada,Adv.

Mr. C.S. Vaidyanathan, Sr.Adv.  
Mr. Praveen Kumar,Adv.  
Mr. Ashish Giri, Adv.  
Mr. Ramesh Agarwal, Adv.  
Ms. Sunaina Kumar, Adv.

Mr. Samir Ali Khan,Adv.

Mr. Abhinav Mukerji,Adv.

Mr. Ambreesh Kumar Aggarwal,Adv.

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

All the civil appeals stand dismissed as having become infructuous and all the transferred cases are disposed of in terms of the signed order.

Till further order is passed by the High Court, the interim order will continue.

(Sukhbir Paul Kaur)  
Court Master

(Sneh Lata Sharma)  
Court Master