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SLP(C)No. 8698 OF 2004  
ITEM No.56

Court No.11

SECTION XIV  
A/N MATTER

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.8698/2004

(From the final judgement and order dated 23/02/2004 in CWP 1012/03  
of The HIGH COURT OF H.P AT SHIMLA)

H.P. STATE ELECTRICITY BOARD & ANR.

Petitioner (s)

VERSUS

L.R. KASHYAP & ANR.

Respondent (s)

(With prayer for interim relief)

Date : 1/11/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.P. SINGH

HON'BLE MR. JUSTICE ARUN KUMAR

For Petitioner (s)Mr. M.N. Rao, Sr.Adv.  
Mr. J.S. Attri,Adv.

For Respondent (s)Mr. E.C. Agrawala,Adv.  
Mr. Mahesh Agarwal, Adv.  
Mr. Rishi Agrawal, Adv.

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

Counsel for the petitioner submits that the question involved in this petition is also involve d in another writ petition pending in the High Court, in which the State of Himachal Pradesh i s the petitioner. It is, therefore, submitted that on the same question, there is possibility of an inconsistent judgement being delivered by the High Court. The writ petition of the Petitioner-Board was dismissed on the ground of latches and not on merits.

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In these circumstances, he submits that the special leave petition may be disposed of with lib erty to the Petitioner-Board to move the High Court for impleading the Board as a party respon dent in the writ petition preferred by the State of Himachal Pradesh.

The Special Leave Petition is, accordingly, disposed of with liberty to the Petitioner-Board t o apply before the High Court for being impleaded as a party respondent in the writ petition p ending before the High Court.

We, however, express no opinion in the matter. It is open to the High Court to pass such orde r as it may deem proper in the facts of the case.

So far as the contempt proceeding before the State Administrative Tribunal is concerned, it wi ll be open to the petitioner to move the Tribunal and apprise it of the subsequent development s, and in case the petitioner is impleaded as a party respondent in the writ petition preferre d by the State, it may bring to the notice of the Tribunal that fact as well so that the Tribu nal may consider whether it is necessary to pursue the contempt matter.

(SUKHBIR PAUL KAUR)

COURT MASTER

( ASHA JOSHI )

COURT MASTER