

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

INTERLOCUTORY APPLICATION Nos.9-12 OF 2011  
IN  
CIVIL APPEAL Nos. 4342-4343 OF 2010

U.P.POWER CORPORATION LTD.  
AND OTHERS

Appellant (s)

VERSUS

M/S AMAUSI TEXTILE MILLS LTD.  
AND OTHERS

Applicant(s)/  
Respondent(s)

O R D E R

In these applications filed by the respondents prayer has been made for issue of a direction to the appellants to withdraw the levy of late payment surcharge on the outstanding dues.

We have heard Smt. Shobha Dixit, learned senior counsel appearing for the applicants and Shri T.N. Singh, learned counsel for the U.P. Power Corporation Ltd. and others.

In our view, the demand for late payment surcharge raised by the non-applicants has given rise to fresh cause and no direction can be given by this Court in the disposed of appeals, which may adversely impact the demand.

The applications are accordingly dismissed. However, liberty is given to the applicants to avail appropriate legal remedy by filing writ petition before the High Court. If the applicants file a writ petition within a reasonable time than

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the same shall be decided by the High Court without being influenced by the fact that earlier writ petition had been withdrawn on the basis of advise given by the counsel.

.....J.  
(G.S. SINGHVI)

.....J.  
(H.L. DATTU)

NEW DELHI,  
August 10, 2011.

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ITEM NO.2

COURT NO.10

SECTION XI

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

IA Nos.9-12 IN CIVIL APPEAL Nos. 4342-4343 OF 2010

U.P.POWER CORP.LTD.& ORS.

Appellant (s)

VERSUS

M/S AMAUSI TEXTILE MILLS LTD.& ORS.

Respondent(s)

(With appln(s) for exemption from filing O.T. and directions and  
permission to file additional documents and office report)

Date: 10/08/2011 These I.As were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI  
HON'BLE MR. JUSTICE H.L. DATTU

For Appellant(s) Mr. T.N. Singh, Adv.  
Mr. Vikas Singh, Adv.  
Mr. Vikram Singh, Adv.

For Respondent(s) Mrs. Shobha Dixit, Sr.Adv.  
Mr. Gagan Gupta, Adv.  
Mr. Dalip Kumar, Adv.

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

In terms of signed order, the applications  
are dismissed.

(A.D. Sharma)  
Court Master

(Phoolan Wati Arora)  
Court Master

(Signed Order is placed on the file)