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SLP(C)No. 15614 OF 1998

ITEM No.1

Court No. 5

SECTION XV
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.15614/1998

(From the judgement and order dated 02/08/1996 in CSA 776/93
of The HIGH COURT OF RAJASTHAN AT JODHPUR)

RAJ.RAJYA VIDYUT PRASARAN NIGAM LTD.&ANR

Petitioner (s)

VERSUS

KALI & ORS.

Respondent (s)

(With prayer for interim relief)
(With Appln(s). for c/delay in filing SLP)
(For Final Disposal)
With

SLP(C)No.15332/1998, SLP(C)No.17727/2000, SLP(C)No.17731/2000

Date : 21/03/2001 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.T. THOMAS
HON'BLE MR. JUSTICE R.P. SETHI

For Petitioner (s) Mr. Sushil Kumar Jain, Adv.
Mr. AP Dhamija, Adv.
Ms. Anjali Doshi, Adv.

For Respondent (s) Ms. Shobha, Adv. for
M/s K.L. Mehta & Co., Adv.

UPON hearing counsel the Court made the following

O R D E R

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SLP(C) 17727/2000@@
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This Special Leave Petition has been filed by the State of Rajasthan in challenge of the decision of a Division Bench of the High Court of Rajasthan dated 2.8.1996. There was a delay of 942 days in filing this SLP. The reason shown for the enormous delay is that

some other party (Electricity Board) had moved an application for review before the High Court and that Review Petition was dismissed. There is no other explanation except the usual delay which occur in the various offices of the State Government. The State of

Rajasthan cannot take umbrage under a review filed by any other party. Admittedly the State of Rajasthan has not filed a Review Petition before the High Court hence the State of Rajasthan cannot cause such a long delay on the ground that somebody else's review petition was pending in the High Court. Looking at the delay from that angle there is total absence of any explanation, much less satisfactory explanation, for the long delay of 942 days in filing this SLP. We, therefore, dismiss the application for condonation of delay. Consequently the SLP is also dismissed.

SLP(C)17731/2000@@
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Delay condoned.

This SLP is filed against the order of the Division Bench of the High Court dismissing the Review Petition filed by the Rajasthan Electricity Board. The State of Rajasthan has not filed any review petition and therefore they cannot be deemed to be aggrieved by the decision in the Review Petition filed by the Electricity Board. Accordingly this SLP is also dismissed.

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SLP(C)15614 & 15332/1998@@
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Delay condoned.

The Rajasthan State Electricity Board has filed these two SLPs in challenge of a decision of the Division Bench of the High Court. We are told and we notice that no liability has been cast on the petitioner Board as per the impugned judgment. Learned counsel for the respondent also submitted that Board has not been mulcted with the liability of the amount covered by the judgment. Accordingly we dismiss these SLPs.

We make it clear that question of law raised will remain open so far as any other claimant for benefit of the Scheme involved, is concerned.

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Hemalatha

(HK Bhatia)
Court Master