

III

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(s).22638 OF 2003

(From the judgement and order dated 19/12/2001 in OJC No. 5573/1992  
of The HIGH COURT OF ORISSA AT CUTTACK)

STATE OF ORISSA

Petitioner

(s)

VERSUS

ORISSA CEMENT LTD. & ORS.

Respondent

(s)

(With appln(s) for c/delay in filing SLP,c/delay in refiling SLP and  
office report ))

WITH S.L.P.(C) NO. 22639 of 2003

(With appln(s) for c/delay in filing SLP,c/delay in refiling SLP)

(With prayer for interim relief and office report)

S.L.P.(C) NO. 22641 of 2003

(With appln(s) for c/delay in filing SLP,c/delay in refiling SLP)

(With prayer for interim relief and office report)

S.L.P.(C) NO. 22644 of 2003

(With appln(s) for c/delay in filing SLP,c/delay in refiling SLP)

(With prayer for interim relief and office report)

S.L.P.(C) NO. 22648 of 2003

(With appln(s) for c/delay in filing SLP,c/delay in refiling SLP)

(With prayer for interim relief and office report)

Date: 04/03/2005 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASHOK BHAN

HON'BLE DR. JUSTICE AR. LAKSHMANAN

For Petitioner(s)

Mr. Jana Kalyan Das,Adv.

For Respondent(s)

For UOI Mr. N.N. Goswami, Sr. Adv.

Mr. V.K. Verma ,Adv

Mr. T.A. Khan, Adv.

Mr. S.N. Terdal, Adv.

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Mr. Shanti Bhushan, Sr. Adv.

Mr. Ashok Parija, Adv.

Mr. K.K. Lahiri, Adv.

Mr. Abhimeet Sinha, Adv.

Mr. Ejaz Maqbool,Adv.

Mr. Gourav Kejriwal, Adv.

Ms. Minakshi Nag, Adv.

Mr. Amit Pattnaik, Adv.

Mr. Keshav Mohan, Adv.

Ms. Saloni Sinha, Adv.

Mr. Ashok Kumar Gupta

Mr. Farrukh Rasheed, Adv.

Mr. Mukul Rohatgi, Sr. Adv.

Mr. Shyamnand Mahapatra, Sr. Adv.

Mr. Praveen Kumar

UPON hearing counsel the Court made the following

O R D E R

Delay condoned.

Leave granted.

The appeals are disposed of in terms of the signed order.

Sukhwinder

(Kanwal Singh)

Court Master

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 1535/2005  
(Arising out of SLP(C) NO. 22638/2003)

State of Orissa & Ors.

Appellant (s)

Versus

Orissa Cement Ltd. & Ors.

Respondent (s)

With

CA Nos. 1536, 1537, 1538, 1539/2005  
(Arising out of SLP(C) Nos. 22639, 22641, 22644, 22648/2003)

O R D E R

Leave granted.

We agree with the view taken by the High Court that

points raised in these appeals are concluded by a Judgment of this

Court in 2001 (7) SCC 358 (District Mining Officer & Ors. v. Tata

Iron & Steel Co.) & Anr. The judgment under appeal needs

modification to the extent that instead of interest at the rate of

14% the respondents would be entitled to get interest at the

rate of 12%

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provided the amount is refunded within six months from today. If

the appellants fail to refund the amount within the period of six

months the respondents would be entitled to get the interest at the

rate of 14% as determined by the High Court.

.....J.  
(ASHOK BHAN)

New Delhi;  
March 04, 2005.

.....J.  
(DR. AR LAKSHMANAN)