

v!

SLP(C)No. 10877-10878 OF 2003  
ITEM No.301 (PH)

Court No. 2

SECTION IX

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.10877-10878/2003

(From the judgement and order dated 03/06/2003 in MA 1/02, AN 2/02,  
MERC 7/00 of The HIGH COURT OF JUDICATURE AT BOMBAY)

B.S.E.S. LTD.

Petitioner (s)

VERSUS

TATA POWER CO. LTD. & ORS.

Respondent (s)

( With Appln(s). for exemption from filing c/c of the impugned Judgment,  
permission to submit additional documents and with prayer for interim relief)

With

SLP(C)No.11461-11462/2003

[TATA POWER COMPANY LTD. VS. BSES LTD. & ORS.]

(With appln. for exemption from filing c/c of the impugned judgment and with prayer for interimi relief)

Date : 13/10/2003 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.C. LAHOTI

HON'BLE MR. JUSTICE G.P. MATHUR

For Petitioner (s)

in 10877-10878/03

Mr. Kapil Sibal, Sr. Adv.

Mr. J.J. Bhat, Sr. Adv.

Mr. Tushad Cooper, Adv.

Mr. D.J. Kakalia, Adv.

Ms. Anjali Chandurkar, Adv.

Mr. Syed Naqvi, Adv.

Ms. Manali Singhal, Adv.

Ms. Aziza Abdul Latif Khatri, Adv.

(FOR BSES)

in SLP (C) 11461-11462/03

Dr. F.S. Nariman, Sr. Adv.

Mr. P. Chidambaram, Sr. Adv.

Mr. Iqbal Chagla, Sr. Adv.

Mr. Darius Khambatta, Adv.

Mr. Shrikant Daijode, Adv.

Mr. Prateek Jalan, Adv.

Mr. R.N. Karanjawala, Adv.

Mr. Subhash Sharma, Adv.

Ms. Ruby Singh Ahuja, Adv.

Ms. Meghna Sati, Adv.

Ms. Pragya Baghel, Adv.

Ms. Manik Karanjawala, Adv.

(FOR TATA POWER CO. LTD)

For Respondent (s)

in SLP 10877-78/03

Dr. F.S. Nariman, Sr. Adv.

Mr. P. Chidambaram, Sr. Adv.  
Mr. Iqbal Chagla, Sr. Adv.  
Mr. Darius Khambatta, Adv.  
Mr. Shrikant Daijode, Adv.  
Mr. Prateek Jalan, Adv.  
Mr. R.N. Karanjawala, Adv.  
Mr. Subhash Sharma, Adv.  
Ms. Ruby Singh Ahuja, Adv.  
Ms. Meghna Sati, Adv.  
Ms. Pragya Baghel, Adv.  
Ms. Manik Karanjawala, Adv.  
(FOR TATA POWER CO. LTD)

in SLP 11461-62/03Mr. Kapil Sibal, Sr. Adv.  
Mr. J.J. Bhat, Sr. Adv.  
Mr. Tushad Cooper, Adv.  
Mr. D.J. Kakalia, Adv.  
Ms. Anjali Chandurkar, Adv.  
Mr. Syed Naqvi, Adv.  
Ms. Aziza Abdul Latif Khatri, Adv.  
(FOR BSES)

FOR MSEB (RR NO.2)Mr. Altaf Ahmed, ASG.  
(NOT PRESENT ON 8/10/2003)  
Mr. T.R. Andhiyarujina, Sr. Adv.  
Ms. Ramni Taneja, Adv.  
Mr. Rajiv Nanda, Adv.  
Ms. Alpana Dhake, Adv.

For RR No. 8 in  
both SLPSMr. Mukul Rohtagi, ASG.  
Mr. P.H. Parekh, Adv.  
Mr. E.R. Kumar, Adv.  
Ms. V. Satni, Adv.  
Mr. Sanand Ramakrishnan, Adv.  
For M/s PH Parekh & CO., Advs.

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

Mr. Kapil Sibal, the learned senior counsel for BSES commenced his arguments in SLP(C) Nos. 10 877-10878 of 2003 at 2.15 P.M and concluded at 3.45 P.M. Thereafter Dr. F.S. Nariman, learned senior counsel for the petitioner in SLP (C) Nos. 11461-11462/2003 argued for five minutes. Then Mr. Chidambaram, learned senior counsel argued the matter for 15 minutes. Thereafter, Mr. Altaf Ahmad, A.S.G., Mr. Andhiyarujina, learned senior counsel and Mr. Mukul Rohtagi, A.S.G. addressed the court for some time.

Hearing concluded. Judgment reserved.

We make it clear that we have not stayed the order made by the High Court, nor the hearing before MERC pursuant to that order of remand. The MERC may proceed to appoint a date of hearing. Any decision by MERC shall be subject to decision by this Court. Liberty to file written submission, if any, by tomorrow.

Sukhwinder(Radha Rani Bhatia)  
Court Master

List of books

1. Electricity Regulatory Commission Act, 1998
2. Electricity (Supply) Act, 1948

3. Electricity Act, 2003

4. Commentary on Law of Electricity (Requisitioned by Hon.Lahoti, J.)

5. AIR 2001 All 321