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SLP(C)No. 12200 OF 2001

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IN THE SUPREME COURT OF INDIA@@  
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CIVIL APPELLATE JURISDICTION@@  
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CIVIL APPEAL NO. 5041 OF 2001@@  
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(Arising out of S.L.P.(C) No.12200/2001)

Dabhol Power Company .....Appellant(s)

versus

Maharashtra State Electricity Board & Anr. ...Respondent(s)

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Mr.Chidambaram seeks leave to withdraw the application for leave to urge additional grounds (I.A.No.6). He states that he will raise these additional grounds in an appropriate forum. I.A.No.6 is dismissed as withdrawn.

Leave granted.

We have heard learned counsel. We are of the view that, in the facts and circumstances of this case, it is appropriate that the High Court should decide all issues relating to the jurisdiction of the Maharashtra Electricity Regulatory Commission (Respondent No.2) as raised in the writ petition filed before it by the appellant. Until such time as the High Court finally hears and decides the writ petition, the Commission will not pass any further orders on the application that has been made before it by the first respondent. Equally, during that time, the arbitration proceedings which have been commenced by the appellant shall not be proceeded with. Till such time as the High Court disposes of the writ petition, the interim orders that have been passed by the Commission up to date shall continue to operate.

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We are advisedly and with the consent of the parties not going into any further details.

Accordingly, the appeal is allowed. The order under appeal is set aside. The High Court shall hear and dispose of the writ petition as expeditiously as possible.

Having regard to the order that we have passed, no orders on the applications for impleadment/intervention are called for.

No order as to costs.

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(S.P. Bharucha)@@

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.....J.@@

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(Y.K. Sabharwal) @@

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New Delhi, @@

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August 06, 2001. @@

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ITEM No.18

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.12200/2001

(From the judgement and order dated 26/06/2001 in WP 1205/01  
of The HIGH COURT OF BOMBAY)

DABHOL POWER COMPANY

Petitioner (s)

VERSUS

MAHARASHTRA STATE ELECTRICITY BOARD & ANR

Respondent (s)

(With appln.(s) for exem. from filing c/c of the impugned judgt.  
and permission to submit addl. document(s) and appln. for  
intervention/impleadment and with prayer for interim relief)  
(With appln. for leave to urge additional grounds)

Date : 06/08/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.P. BHARUCHA  
HON'BLE MR. JUSTICE Y.K. SABHARWAL

For Petitioner (s) Mr. P. Chidambaram, Sr.Adv.  
Mr. Atul Rajadhyaksha, Adv.  
Mr. Suhas Tuljapurkar, Adv.  
Mr. Amit Khansaheb, Adv.  
Mr. Sameer Parekh, Mr.Rohit Alex, Adv.  
Mrs. Sonali Basu Parekh, Adv.  
Mrs. Yugandhara Jha, Adv.  
Mr. P.H. Parekh, Adv.

In I.A.No.3: Mr. K.K. Venugopal, Sr.Adv.  
Mr. Gopal Subramaniam, Sr.Adv.  
Mr. A.G. Karkhanis, Adv.  
Mr. Atul Y. Chitale, Adv.  
Mrs. Suchitra A. Chitale, Adv.

For Respondent (s) Mr. F.S.Nariman, Sr.Adv.  
No.1: Mr. T.R.Andhyarujina, Sr.Adv.  
Mr. Aspi Chinoy, Sr.Adv.  
Mr. Shyam Divan, Mr.A.M.Khatlavalala, Adv.  
Ms.Ayesha Misra, Mr.Mahesh Agarwal, Adv.  
Ms. Alpana, Mr.Rishi Agrawala, Adv.  
Mr. E.C. Agrawala, Adv.

For Res.No.2: Mrs. Shashi Kapila, Adv.  
Ms.Indu Malhotra, Adv.  
Ms.Shyel Trehan, Adv.

