

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.2397 OF 2015
(@ SPECIAL LEAVE PETITION (CIVIL) NO. 16193 OF 2009)

M/S SKANDA ENTERPRISES . . .APPELLANT(S)

VERSUS

M/S MYSORE MINERALS LIMITEDRESPONDENT(S)

WITH

CIVIL APPEAL NO.2398 OF 2015
(@ SPECIAL LEAVE PETITION (CIVIL) NO. 1828 OF 2010)

CIVIL APPEAL NO. 2399 OF 2015
(@ SPECIAL LEAVE PETITION (CIVIL) NO. 1829 OF 2010)

CIVIL APPEAL NO.2401 OF 2015
(@ SPECIAL LEAVE PETITION (CIVIL) NO. 31444 OF 2010)

CIVIL APPEAL NO.2400 OF 2015
(@ SPECIAL LEAVE PETITION (CIVIL) NO. 29925 OF 2010)

O R D E R

C.A. NO. 2397/2015 (@ SLP(CIVIL) NO. 16193/2009),
C.A.NO.2398/2015 (@ SLP(CIVIL) NO. 1828/2010 &
C.A. NO.2399/2015 (@ SLP (C) NO. 1829 OF 2010)

1. Leave granted.
2. The challenge in these appeals is against an

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Madhu Bala
Date: 2015.02.26
16:54:48 IST
Reason:

order of the High Court of Karnataka by which
the writ appeals filed by the appellants have
been dismissed leaving the appellants--writ
petitioners with the option to seek its
remedies in the Civil Court.

3. The grievance of the appellants-writ
petitioners is non supply of the stipulated

quantity of Iron Ore Waste Mud in respect of which separate contracts were entered into by the appellants-writ petitioners and the first respondent. According to the appellants, the total quantity to be supplied under the three agreements was 75524 MTs, 75000 MTs and 75000 Mts respectively and despite payment of full amounts by the appellants to the first respondent i.e. Rs. 58,75,000/- Rs. 58,75,000/- and Rs. 61,75,000/-, a total of 19,476 MTs, 20000 Mts and 20000 MTs respectively were not supplied by the first respondent. Accordingly, appropriate directions were sought for by the appellants before the High Court.

3

4. The case of the respondent before the High Court appears to be that the balance quantity as mentioned above, was offered by the first respondent from an alternative mining area and as such there was no refusal on the part of the first respondent to effect supply of the balance quantity. The learned Single Judge of the High Court as also the Appellate Bench took the view that having regard to the issues involved the dispute was not appropriate for resolution in exercise of the writ jurisdiction of the High Court and the appellants should be left with the remedy of approaching the Civil Court.

5. If the High Court had taken above view having regard to the facts of the case, we cannot hold the same to be unreasonable so as to warrant interference. That apart, in a separate pronouncement by this Court in Samaj Parivartana Samudaya Vs. State of Karnataka

(2013) 8 SCC 154, disposal of Iron Ore Waste

Mud has been regulated and directed to be disposed of by the Court appointed Monitoring Committee by way of public auction. Any other

4

mode of allocation will be contrary to the aforesaid order. For the twin reasons indicated, the direction prayed for by the appellants with regard to supply of the balance quantity cannot be granted.

6. In the earlier part of this order, it has been recorded that full payment for the agreed quantities of supply had been tendered by the appellants to the first respondent. The said fact is not disputed.

It is also not disputed that proportionate refund for the quantities not supplied has not been tendered

by the first respondent. That the balance quantity in respect of three contracts is 19,746 Mts, 20000 MTs and 20000 MTs has also been disputed.

7. Taking into account the totality of the facts of the case, we direct the first respondent to refund the amount received by it

from the appellants insofar as the aforesaid balance quantities is concerned along with interest thereon at the rate of 6 per cent p.a.

5

from the date of payment/receipt of the amounts. The payment in terms of this order will be made within six weeks' from today failing which the amount inclusive of interest will carry further interest at the rate of 12 per cent p.a.

8. The appeals are disposed of in the above terms.

C.A.NO.2401/2015 (@ SLP(CIVIL) NO. 31444 OF 2010) AND C.A.NO. 2400 OF 2015 (@ SLP(C) NO. 29925 OF 2010)

1. Leave granted.

2. The facts of the case are similar to those in civil appeals arising out of Special Leave Petition) Nos. 16193/2009, 1828 and 1829 of 2010 disposed of today.

3. Accordingly, these appeals are also disposed of by directing refund/return of the amount tendered by the appellant to the first respondent along with 6 per cent interest p.a. thereon insofar as balance quantity of 2.76 lakhs MTs (approx.) of Iron Ore Waste Mud is

6

concerned. The amount will be refunded along with interest within six weeks' from today failing which the amount inclusive of interest will carry further interest at the rate of 12 per cent p.a.

.....J.
[RANJAN GOGOI]

NEW DELHI
24TH FEBRUARY, 2015
ITEM NO.2

COURT NO.8

.....J.
[PRAFULLA C. PANT]
SECTION IVA

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 (C) No(s). 16193/2009 (Arising out of impugned final judgment and order dated 26/02/2009 in WA No. 1254/2008 passed by the High Court Of Karnataka At Bangalore)

M/S SKANDA ENTERPRISES

Petitioner(s)

VERSUS

M/S MYSORE MINERALS LIMITED
(With interim relief and office report)
(For final disposal)

Respondent(s)

WITH
SLP(C) No. 1828/2010
(With Office Report)

SLP(C) No. 1829/2010
(With appln.(s) for c/delay in filing SLP and Office Report)

SLP(C) No. 9555/2010
(With Office Report)

SLP(C) No. 29925/2010
(With Interim Relief and Office Report)

SLP(C) No. 31444/2010
(With Office Report)

Date : 24/02/2015 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE RANJAN GOGOI
HON'BLE MR. JUSTICE PRAFULLA C. PANT

For Petitioner(s) Mr. C. Paramasivam,Adv.
Mr. D. Ramesh,Adv.
Mr. M.P. Parthiban,Adv.
Mr. Rakesh K. Sharma,Adv.

Mr. Syed Shahid Hussain Rizvi,Adv.

For Respondent(s) Mr. Balaji Srinivasan,Adv.
Mr. A.K.Vasanth,Adv.
Ms. Srishti Govil,Adv.
Mr. Mayank Kshirsagar,Adv.
Ms. Vaishanavi Subrahmanyam,Adv.
Ms. Vaishali Dixit,Adv.

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

SLP(C)No. 16193 of 2009, SLP(C)No. 1828 of 2010 and
SLP(C)No. 1829 of 2010, SLP(C)No. 31444/2010 and
SLP(C)No. 29925 of 2010

Leave granted.

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

SLP(C)NO.9555 of 2010

Learned counsel for the petitioner seeks liberty to
withdraw the special leave petition. Liberty, as prayed
for, is granted. The special leave petition is dismissed
as withdrawn.

(MADHU BALA)
COURT MASTER

(Signed order is placed on the file)

(ASHA SONI)
COURT MASTER