

ITEM NO.104

COURT NO.9

SECTION IVA

SUPREME COURT OF INDIA
 RECORD OF PROCEEDINGS
 CIVIL APPEAL NO(s). 2237 OF 2001

M/S. J.K. INDUSTRIES

Appellant (s)

VERSUS

KARNATAKA URBAN WATER SUPP.& DRAN.BD&ORS

Respondent(s)

(With office report)

Date: 21/01/2009 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DALVEER BHANDARI
 HON'BLE MR. JUSTICE HARJIT SINGH BEDI

For Appellant(s) Mr. Dushyant Dave, Sr.Adv.
 Mr. K.T.Ananthraman, Adv.
 Mr. Anirudh Rajput, Adv.
 Mr. Santhosh Krishnan, Adv.
 Mr. Vasudevan Raghavan,Adv.

For Respondent(s) Mr.Gopal Sankaranarayanan, Adv.
 Mr. Sanjay R. Hegde,Adv.

Mr. P.R. Ramasesh ,Adv

Mr. S.K. Kulkarni, Adv.
 Ms. Sangeeta Kumar ,Adv

UPON hearing counsel the Court made the following
 ORDER

During the course of hearing, learned counsel appearing for respondent No. 1, for the first time, submitted that there was a gazetted notification issued on 12.3.1996 by which the rates were revised. He is not having copy of the said notification. The said notification has not been

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produced/mentioned in any forum by respondent No. 1. Even in the letter dated 13.7.2005, the Commissioner, Mysore City Corporation, which has been addressed to the appellant, there is no reference of this notification and calculations have not been carried out on the basis of this notification. However, in the interest of justice, we grant two weeks' time to the learned counsel appearing for respondent No.1 to produce the copy of notification on record. Since we are adjourning the matter, we

direct the Commissioner, Mysore City Corporation to file a comprehensive affidavit giving the details of the entire outstanding amount due to the appellant as on date. In the affidavit, he must also indicate when the interest amount was waived in case of M/s. Kasturi Foods Industry, then why the same yardstick should not be applied to the appellant. Advance copy of the affidavit shall be supplied to the learned counsel appearing for the parties at least three days in advance.

As prayed, list after two weeks.

(Pardeep Kumar)
Court Master

(Neeru Bala Vij)
Court Master