

ITEM NO.1

COURT NO.11

SECTION IVA

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

I.A.1 in

CIVIL APPEAL NO.2237 OF 2001

M/S. J.K. INDUSTRIES

Appellant (s)

VERSUS

KARNATAKA URBAN WATER SUPP.& DRAN.BD&ORS

Respondent(s)

[For bringing on record subsequent event] [With office report]

Date: 17/05/2007 This Application was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE TARUN CHATTERJEE

HON'BLE MR. JUSTICE P.K. BALASUBRAMANYAN

For Appellant(s)/ Mr. Dushyant Dave, Sr. Adv.

Applicant(s) Mr. K.T. Anantharaman, Adv.

Mr. R.V.S. Naik, Adv.

Mr. Vasudevan Raghavan, Adv.

For Respondent(s) Mr. N. Ganpathy, Adv.

Mr. S.K. Kulkarni, Adv.

Mr. P.R. Ramasesh, Adv.

Ms. Sangeeta Kumar, Adv.

UPON hearing counsel the Court made the following

O R D E R

which the This is an application registered as I.A.No.1 of 2006 in
applicant-appellant has prayed for a direction upon the respondent to
reconnect the water supply, disconnected 15.07.2006 and not to disrupt
the same in any manner pending hearing and final disposal of the appeal
being Civil Appeal No.2237 of 2001. Another prayer was also made by the
appellant in the aforesaid I.A. restraining the respondent from acting in any
manner pursuant to the Government Order dated 07.06.2005, 13.07.2005 and

2

30.06.2005. On 19.03.2001, this Court granted leave and passed an interim
order which is to the following effect :

I.A.No.1 in C.A.No.2237/2001 (contd.)

"Delay condoned.

Leave granted.

The interim order dated 25.10.1999 shall continue provided the
appellant herein deposits 50% of the arrears of water charges
prior to the judgment of the learned single Judge and further
shall deposit the dues within three months from today. In
future, the appellant shall continue to deposit the dues as and
when it falls due on the basis of the Notification dated 4.1.1992.

This deposit would be subject to the final decision in this appeal.

Any payment already made by the appellant shall be adjusted

towards the arrears of the dues against the appellant."

Learned counsel for the respondents submits that the appellant is liable

to pay more than Rs.7 crores at the present moment. However, in a resolution, the appellant has agreed to pay Rs.2 crore 79 lacs to the respondents which fact is, however, disputed by Mr. Dave, the learned senior

counsel for the appellant. It is not disputed before us that a sum of

Rs.1,11,72,000/- has already been paid or deposited by the appellant.

Considering the facts and circumstances of the case and considering the fact

that about 6,000 workmen are working in the factory of the appellant, we are

of the view that the respondents be directed to restore and/or reconnect the

water supply in the factory in question if the appellant deposits a further sum

of Rs.1.5 crore within three months from this date in three equal monthly

instalments and also deposits the current water charges as per the bills that

would be raised by the respondents. In the event, the appellant deposits the first

instalment within the time specified hereinabove, the respondents shall

reconnect the water supply in the factory in question within a week from the

date of deposit of the first instalment. In default of any of the conditions

mentioned above, the interim order passed today shall automatically stand

vacated. It is, however, made clear that the deposit in terms of this order if

made would be without prejudice to the rights and contentions of the parties

in the appeal.

I.A.No.1 in C.A.No.2237/2001 (contd.)

3

I.A. is disposed of accordingly.

Hearing of the appeal is expedited.

(Subhash Chander)

Court Master

(Neeru Bala Vij)

Court Master