

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

CIVIL APPEAL NO. 2825 OF 2005

ASSAM STATE ELECTRICITY BOARD & ANR.

Appellant (s)

VERSUS

STATUTORY COMMISSION & ANR.

Respondent(s)

(With appln(s) for permission to file additional affidavit and with prayer for interim relief and office report)

WITH

Civil Appeal NO. 2826 of 2005  
(With prayer for interim relief)

Date: 22/11/2012 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.M. LODHA  
HON'BLE MR. JUSTICE ANIL R. DAVE

For Appellant(s) Mr. Shanti Bhushan, Sr. Adv.  
Mr. Avijit Roy, Adv.  
Mr. Navnit Kumar, Adv. for  
M/S Corporate Law Group

For Respondent(s) Mr. Shyam Divan, Sr. Adv.  
Mr. P.C. Markanda, Sr. Adv.  
Mr. Rajesh Markandey, Adv.  
Mr. Jayant Mohan, Adv.  
Mr. Pradeep Gupta, Adv.  
Mr. R. Sinha, Adv. for  
M/S. "Coac"

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

In the course of hearing, consensus emerged between the learned senior counsel for the parties for the following order:

- i) The appellants shall pay a sum of Rs. 34 crores to respondent No. 2 - Bharat Hydro Power Corporation Limited in full and final settlement of their claim which is the subject matter of these appeals.
- ii) Out of above Rs. 34 crores, Rs. 15 crores have already been paid to respondent No. 2 and, accordingly, that amount shall stand adjusted. The remaining Rs. 19 crores shall be paid by the appellants to respondent No. 2 expeditiously and not later than three weeks from today.
- iii) On payment of above amount by the appellants to the respondent No. 2, the security furnished by the respondent No.2 before the Gauwahati High Court shall stand discharged.

2. The above consensus is subject to formal approval being granted by the appellants.

3. As regards the transfer of 51 lakhs equity shares presently held by the appellant No. 1 - Assam State Electricity Board, Mr. Shyam Divan, learned senior counsel for the respondent No. 2 submits

that in the course of talks of settlement between the parties, it was agreed to by the appellant No. 1 to transfer these shares to SPML Infra Limited unconditionally. Mr. Shanti Bhushan, learned senior counsel for the appellants submits that the advocate-on-record will seek instructions from the appellant No. 1 in this regard.

4. List the matter for formal order on November 29, 2012.

|(Pardeep Kumar)  
|Court Master

| |(Renu Diwan)  
| |Court Master

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