

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(s). 15553-15555/2009

(From the judgment and order dated 04/03/2009 passed by the High Court of
Judicature at Bombay in Summons for Judgment No. 264 of 2008 in Summary
Suit No. 3454 of 2006 with Summons for Judgment No. 265 of 2008 in Summary
Suit No. 1835 of 2004 with Summons for Judgment No. 38 of 2009 in Summary
Suit No. 3454 of 2006)

BAJAJ AUTO LTD.

Petitioner(s)

VERSUS

M.P.STATE ELECT.BOARD & ORS.

Respondent(s)

(With prayer for interim relief and office report)
(For final disposal)

Date: 21/01/2013 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR
HON'BLE MR. JUSTICE ANIL R. DAVE

For Petitioner(s)

Mr. Harish N. Salve, Sr.Adv.
Mr. Shyam Divan, Sr.Adv.
Mr. Mahesh Agarwal, Adv.
Mr. Rishi Agrawala, Adv.
Mr. E.C. Agrawala,Adv.
Mr. Ankur saigal, Adv.
Ms. Parul Shukla, Adv.

For Respondent(s)

State of M.P. Mr. Vikas Upadhyay, Adv.
Mr. B.S. Banthia,Adv.
Mr. Saurabh Mishra, Adv.

Ms. Suparia Srivastava, Adv.
Mr. Ram Swarup Sharma,Adv.

Mr. Sakesh Kumar, Adv.
Ms. K.V.Bharathi Upadhyaya ,Adv

Mr. T.S. Sidhu, Adv.
Mr. Ganesh Kamath, Adv.

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

Learned counsel appearing for the Madhya Pradesh State Electricity Board states that the aforesaid Board shall pay the outstanding amount to Bajaj Auto Limited in accordance with the notification of the Government of India, Ministry of Power S.O. 1210(E) dated 2nd November, 2004 wherein the assets and liabilities between the Madhya Pradesh State Electricity Board and Chhattisgarh State Electricity Board have been apportioned.

Learned counsel appearing for the Chhattisgarh Electricity Board, on the other hand, states that the payment has to be made in accordance with the aforesaid S.O. 1210(E) dated 2nd November, 2004 read with the agreed allocation between the two Boards in the meeting held on 11.6.2010. The minutes of the aforesaid meeting are attached with the reply on behalf of respondent Nos. 2 to 4 from page nos. 61 to 69.

Mr. Harish N. Salve, learned senior counsel appearing for the petitioner submits that his client, Bajaj Auto Limited, is not interested as to who pays the amount, his client is interested only that the entire outstanding amount should be paid forthwith as there is absolutely no justification for withholding payment any longer. We are satisfied that the payment, as claimed

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by Bajaj Auto Limited, has to be made by the two Boards as apportioned by the Government of India in the orders mentioned above.

In our opinion, it would be in the interest of justice if the Madhya Pradesh State Electricity Board pays the outstanding amount with up-to-date interest to Bajaj Auto Limited subject to realisation of any disputed amount from Chhattisgarh State Electricity Board. Let the amount be released within six weeks from today.

List the matters after six weeks for further directions.

(Sukhbir Paul Kaur)
Court Master

(Harjinder Kaur)
Court Master