

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(s). 7577 OF 2004

M/S. CENTRAL COALFIELDS LTD.

Appellant (s)

VERSUS

SPECIAL SMOKELESS FUEL MFG. ASSN. & ORS.

Respondent(s)

(With office report)

Date: 05/10/2010 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU
HON'BLE MR. JUSTICE T.S. THAKUR

For Appellant(s) Mr. Mahabir Singh, Sr. Adv.
Gp.Capt. K.S. Bhatti, Adv.
Mr. Nikhil Jain, Adv.
Mr. Yash Wardhan Tiwari, Adv.

For Respondent(s) Mr. Rakesh Dwivedi, Sr. Adv.
Mr. S. Chandra Shekhar, Adv.
Mr. Manoj Kumar, Adv.

Mr. Goodwill Indeevar ,Adv(Not present)

Mr. C.D. Singh ,Adv(Not present)

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

The Appeal is disposed of leaving the parties to
bear their own costs.

(Parveen Kr. Chawla)
Court Master

(Indu Satija)
Court Master

[signed order is placed on the file]
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.7577 OF 2004

Central Coalfields Ltd.

..Appellant

versus

Special Smokeless Fuel Mfg. Assn. & Others

..Respondents

O R D E R

Heard learned counsel for the parties.

This Appeal, by special leave, arises out of an order dated 16th January, 2003 passed by the High Court of Jharkhand at Ranchi in I.A. No. 2020 of 2002 in C.W.J.C. No. 2750 of 1997, whereby order dated 28th November, 1997 passed by the High Court in Civil Writ Petition No. 2750 of 1997 was modified in an application filed by the respondents-writ petitioners. By the order, as modified, the High Court has directed the appellant herein to consider the request of the respondents-writ petitions for allotment of coal from certain collieries mentioned in the order.

Mr. Dwivedi, learned senior counsel appearing for the respondents-writ petitioners submits that although the order passed by the High Court in favour of the respondents was stayed by this Court by order dated 16.11.2004, the appellant has been allocating coal from the collieries concerned to the satisfaction of the respondents. He
:1:

submits that in view of the said allotment, the application for modification or the consequential order passed by the High Court has now become unnecessary and so was any direction on the said application. In the circumstances, therefore, it is unnecessary to go into the merits of the controversy which appears to have become infructuous on account of an arrangement which the parties have arrived at mutually. The application filed by the respondent is, in that view, dismissed and the order passed by the High Court set aside. We make it clear that while making allotments the appellant shall keep orders passed by this Court, including order dated 22nd March, 1999 passed in Civil Appeal No. 6317 of 1998, in view.

With these observations, the appeal is disposed of

leaving the parties to bear their own costs.

.....J.
[MARKANDEY KATJU]

NEW DELHI;
OCTOBER 05, 2010
:2:

.....J.
[T.S. THAKUR]