

SECTION-IX

IN THE SUPREME COURT OF INDIA

LISTED ON:

11.07.2016

CIVIL APPELLATE JURISDICTION COURT NO:3  
ITEM NO: 302

CIVIL APPEAL NOS. 5312-5313 OF 2005

WITH

INTERLOCUTORY APPLICATION NOS. 3-4

(Application for Directions filed by Mr. Manila Karanjawala, Advocate)

AND

CIVIL APPEAL NOS. 5314 OF 2005

AND

CIVIL APPEAL NO. 7303 OF 2005

WITH

INTERLOCUTORY APPLICATION NO. 4 OF 2012

(Application for recalling the Order dated 18.11.2011 in 1.A. No.3 of 2011 filed by Ms. Pratibha Jain, Advocate )

WITH

INTERLOCUTORY APPLICATION NO. 5 OF 2012

(Application for directions filed by Ms. Pratibha Jain, Advocate)

WITH

INTERLOCUTORY APPLICATION NO. 6 OF 2013

(Application of directions filed by Ms. Pratibha Jain, Advocate )

AND

CIVIL APPEAL NO. 6587 OF 2005

AND

CIVIL APPEAL NO. 3018 OF 2007

AND

PETITION FOR SPECIAL LEAVE TO APPEAL(CIVIL)NO. 10732 OF 2006

WITH

INTERLOCUTORY APPLICATION NO.

(Application for disposing the Petition)

AND

PETITION FOR SPECIAL LEAVE TO APPEAL(CIVIL)NO. 6068 OF 2006

AND

PETITION FOR SPECIAL LEAVE TO APPEAL(CIVIL)NO. 2880 OF 2007

WITH PRAYER FOR INTERIM RELIEF

WITH

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) NO. 37871 OF 2012

WITH PRAYER FOR INTERIM RELIEF

WITH

INTERLOCUTORY APPLICATION NO. 4

(Application for intervention filed by Mr. Haresh Raichura, Advocate)

WITH

INTERLOCUTORY APPLICATION NO. 5

(Application for impleadment filed by Mr. Anjani Kumar Mishra, Advocate)

WITH

INTERLOCUTORY APPLICATION NO. 6

(Application for impleadment filed by M/s. A. P. & J Chambers, Advocates)

WITH

PETITIONS FOR SPECIAL LEAVE TO APPEAL (CIVIL) NOS. 9092-9094 AND 18280 OF 2013

WITH PRAYER FOR INTERIM RELIEF

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WITH

INTERLOCUTORY APPLICATION NO. 3

(Application for impleadment filed by counsel for the petitioner in SLP (C) No. 18280 of 2013)

WITH

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) NO. 19878 OF 2014

WITH PRAYER FOR INTERIM RELIEF

WITH

INTERLOCUTORY APPLICATION NO. 1

(Application for impleadment filed by M/s. A. P. & J Chambers, Advocates)

WITH

PETITIONS FOR SPECIAL LEAVE TO APPEAL (CIVIL) NOS. 8197-8198 OF 2014

WITH PRAYER FOR INTERIM RELIEF

WITH

INTERLOCUTORY APPLICATION NO. 1

(Application for condonation of delay in filing SLP)

WITH

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) NO. 73 OF 2015

WITH PRAYER FOR INTERIM RELIEF

MAHARASHTRA STAN ELECTRICITY BOARD  
& ANR. ETC. ETC.

...APPELLANTS

-VERSUS-

SUPER & STAINLESS HI ALLOYS LID. & ORS.  
ETC. ETC.

....RESPONDENTS

OFFICE REPORT

The matters above mentioned along with connected matters and applications were listed before the Hon'ble Court on 28.03.2016 when the Court was pleased to pass the following Order:

**"Liberty is granted to the learned counsel for**

the appellant/petitioner and respondents to categorise the cases, out of the instant batch of cases, which can be disposed of by a common order. The outcome thereof shall be furnished to the Registry within two weeks.

Post after six weeks.

In the meantime, liberty to complete the service is granted.

Dasti, in addition, is also granted."

The service positions are as follows:

CIVIL APPEAL NO. 5312-5313 OF 2005

It is submitted to the information of the Hon'ble Court that there are Three respondents in the Civil Appeal No. 5312 of 2005. Respondent no. 2 is represented though Mr. Manik Karanjawala, Advocate. Respondent nos. 1 and 3

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have been served with the notice at the SLP stage but no one has entered Vakalatnamai Appearance on their behalf.

It is further submitted that there are Three respondents in the Civil Appeal No. 5313 of 2005. Respondent no. 1 is represented though Mr. Manik Karanjawala, Advocate. Respondent nos. 2 and 3 have been served with the notice at the SLP stage but no one has entered Vakalatnama/Appearance on their behalf.

CIVIL APPEAL NO. 5314 OF 2005

It is submitted that there are Two respondents in this matter. Respondent no. 1 has been served with the notice at the SLP stage and Respondent No. 2 has been served with Notice of lodgment of petition of appeal through High Court but no one has entered Vakalatnarna/Appearance on their behalf.

CIVIL APPEAL NO. 7303 OF 2005

It is submitted that there are Three respondents in this matter. Respondent nos. 1 and 2 are represented through Ms. Hemantika Wahi, Advocate. Respondent no. 3 has been served with Notice of lodgment of petition of appeal through High Court but no one has entered Vakalatnama/Appearance on his behalf.

CIVIL APPEAL NO. 6587 OF 2005

It is submitted that there are Four respondents in this matter. Respondent nos. 1 and 2 are represented through Ms. Ruby Singh Ahuja, Advocate. Respondent nos. 3 and 4 are represented through Mr. S. M. Jadhav, Advocate.

CIVIL APPEAL NO. 3018 OF 2007

It is submitted that the Sole respondent in this matter is represented by Mr. R. P. Goyal, Advocate .

Service of notice is complete in all the above matters.

PETITION FOR SPECIAL LEAVE TO APPEAL(CIVILJNO.10732 AND 6068 OF 2006

\_\_\_\_\_ The matters above mentioned were listed before the Hon'ble Court on 17<sup>th</sup> July,2006,when the Court was pleased to pass the following Order:-

**"Issue notice.**

**The operation of the impugned order of the High Court shall remain stayed until further orders.**

**Tag with Civil Appeal Nos. 5312-5313 of 2005."**

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SPECIAL LEAVE PETITION NO. 10732 OF 2006

It is submitted that there are two respondents in the instant matter. Respondent No. 1 is represented by Mr. Praveen Chaturvedi, Advocate after obtaining "No Objection" from erstwhile advocate, Mr. Rameshwar Prasad Goyal, and Respondent No. 2 is represented by Mr. Ravindra Kumar, Advocate but no counter affidavit has been filed so far on behalf of both the respondents.

It is submitted that I. A. No. 2 (Application for vacating stay) filed by the the counsel for Respondent No.1 was listed before the Hon'ble Court on 22' October, 2007, when the Court was pleased to pass the following Order:

**"We have heard learned counsel for the parties. The respondent Mis. Jai Tirath Financiers Pvt. Ltd., as per the undertaking given by it, shall deposit the entire arrears of Rs. 83 lakhs in installments as indicated In the proposal dated 9.8.2007. The petitioner shall restore**

**the electricity connection after receipt of first two installments."**

It is further submitted that Mr. Ajit S. Bhasme, Advocate has filed affidavit in reply on behalf of the Petitioner in interlocutory application No. 2 (application for vacating stay) and the same has already been included in the paper books.

It is lastly submitted that counsel for respondent No. 1 has filed application for disposing the petition having become infructuous but the same is defective for the reason that the copy is not served on Mr. Ravindra Kumar, Advocate and the same (un-registered) has already been included in the paper books.

Service of notice is complete.

PETITION FOR SPECIAL LEAVE TO APPEAL(CIVIL)No.6068 OF 2006

It is submitted that there is a sole respondent in the instant matter represented by Mr.Ashok Mathur, Advocate and he has also filed counter affidavit on behalf of the said respondent which has already been included in the paper books.

Service of notice is complete.

PETITION FOR SPECIAL LEAVE TO APPEAL(CIVIL)No.2880 OF 2007

The matter above mentioned was listed before the Hon'ble Court on 09<sup>th</sup> February, 2007 when the Court was pleased to pass the following Order:-

**"Issue notice on the application for condonation of delay as also on the special leave petition."**

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It is submitted that there are six respondents in the instant matter. Respondent No. 1 is represented by Mr. Jatin Zaveri, Advocate and he has filed counter affidavit on behalf of the said respondent which has already been included in the paper books. Respondent Nos. 2 and 3 are represented by Ms. Garima Prasad, Advocate and counter affidavit has been filed on behalf of respondent no. 2 and the same has already been included in the paper books. Respondent No. 4 i.e. Ajar Enterprises Pvt. Ltd. is represented by Mr. P.N. Gupta, Advocate, counter affidavit has been filed

and has already been included in the paper books. Respondent No. 5 is represented by Mr. R.S. Rana, Advocate but no counter affidavit has been filed so far. Courier receipt duly signed has been received back from respondent no. 6 but on has entered appearance on behalf of the said respondent so far.

It is further submitted that Counsel for the petitioner has filed rejoinder affidavit to the counter affidavit of respondent no. 2 and the same has already been included in the paper books.

Service of notice is complete.

PETITIONS FOR SPECIAL LEAVE TO APPEAL(CIVIL) NOS.8197-8198 OF 2014

It is submitted for information of the Hon'ble Court that there is delay of 138 days in filing the SLP against the judgement and order dated 16.07.2013 of the High Court of Gujarat, at Ahmedabad in LPA. No. 1958 of 2009 and the SLP filed against the judgement and order dated 10.01.2014 of the High Court of Gujarat, at Ahmedabad in CMA No. 2057 of 2013 is within time. Counsel for the petitioner has filed an application for condonation of delay in filing SLP which is registered as Interlocutory Application No. 1.

The matter above mentioned was listed before the Hon'ble Court on 14<sup>th</sup> March , 2014 when the Court was pleased to pass the following Order:-

**"Mr. Abhijeet Sinha, learned counsel for the respondent accepts notice.  
List the matter on 28.3.2014.."**

Thereafter, the matter above mentioned was again listed before the Hon'ble Court on 28<sup>th</sup> March , 2014 when the Court was pleased to pass the following Order:-

**"Learned counsel for the parties are agreed that the issue involved in this petition is pending before a Three-Judge Bench. In view of this, as requested by**

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**..6..**

**the counsel, it will be proper to tag these special leave petitions to Civil Appeal Nos.5312-5313 of 2005.**

Order accordingly.

Learned counsel for the petitioner submitted that the respondent had filed Miscellaneous Civil Application (for Contempt) No.487 of 2014 in the Gujarat High Court for non-compliance of the impugned order. By the impugned order, a writ of mandamus is issued to the petitioner not to recover the electricity dues of the consumer from a subsequent purchaser of the premises, i.e, the respondents herein. The effect of this order of the High Court is that the petitioners will have to grant reconnection of electricity to the respondents without their paying the dues of the previous consumer. The High Court disposed of the contempt application as withdrawn by recording the statement made by learned counsel for the petitioner which reads as under :

"She has also stated at the bar that without prejudice to the rights and contentions in the SLP and subject order that may be passed by the Hon'ble Supreme Court in the aforesaid SLP, it is decided to reconnect the electric connection to the present applicant as per the order passed by the Division Bench passed in the aforesaid LPA and process of reconnection is already begun. She has stated at the bar under the instructions from the concerned officer that after completing all the formalities like submitted A form and depositing the electric connection deposit by the applicant, electricity shall be reconnected at the earliest and preferably within three months from today. Concerned respondents are directed to act as stated above."

Thus, the reconnection of electricity is made subject to the order that

may be passed by this Court in the present special leave petition. In the circumstances of the case, in our opinion, the respondent should be directed to furnish bank guarantee of a nationalized bank in favour of the petitioner, for the principal amount under the decree with regard to the arrears of electricity dues from the previous party from whom the respondents have purchased the premises in an auction. Hence, we pass the following order :

- (i) The respondent shall furnish a bank guarantee of a nationalized bank in favour of the petitioner for the principal amount under the decree within a period of four weeks from today towards the electricity charges which are due from the previous party from whom the respondents have purchased the premises in an auction.

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- (ii) The bank guarantee shall be kept alive till the disposal of the present proceedings.
- (iii) Upon the respondent furnishing bank guarantee, the petitioner shall reconnect the electricity within two months."

It is submitted that there are two common respondents in the instant matters. Mr. Abhijeet Sinha, Advocate has filed vakalatnama/ appearance on behalf of respondent No. 1 i.e. Agricultural Produce Market Committee only and not filed vakalatnama/ appearance on behalf of respondent No. 2, though accepted notice before the Hon'ble Court on 14.03.2014.

It is further submitted that pursuant to the Hon'ble Court's order dated 28.03.2014, the instant matters are tagged with Civil Appeal Nos. 5312-5313 of 2005.

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) NO. 37871 OF 2012

The matter above mentioned was mentioned before the Hon'ble Court on 11th December, 2012 when the Court was pleased to pass the following Order:

"Taken on Board.  
Issue notice.  
The impugned order shall remain stayed till the next date of hearing."

Thereafter, the matter above mentioned along-with connected matters were listed before the Hon'ble Court on 08th March, 2013 when the Court was pleased to pass the following Order:

"I.A. No. 3 of 2013 has been made by the Laxminarayan Industrial Co-operative Service Society Ltd. for impleadment in the Special Leave Petition (C) No. 37871 of 2012.

Learned counsel for the petitioners has no objection if the application for impleadment is allowed.

I.A. No. 3 of 2013 is, accordingly, allowed. Applicant-Laxminarayan Industrial Cooperative Service Society Ltd. is impleaded as a party respondent.

Amended cause-title shall be filed within two weeks.

A letter has been circulated by the

advocate-on-record for the respondent No. 1 in S.L.P. (C) No. 37871 of 2012 seeking four weeks' time for filing counter-affidavit.

Counter-affidavit may be filed within four weeks.

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Rejoinder-affidavit, if any, may be filed by the petitioners within two weeks thereafter.

List both matters after six weeks.

In the meanwhile, interim order dated December 11, 2012 passed by this Court shall continue to operate. "

Thereafter, the matter above mentioned along-with connected matters were listed before the Hon'ble Court on 10th March, 2014 when the Court was pleased to pass the following Order:

"Liberty is granted to the parties to mention before Hon'ble the Chief Justice of India for fixing the matters on a non-miscellaneous day."

It is submitted for information of the Hon'ble Court that there are seven respondents in the instant matter. Respondent Nos. 1 and 6 are represented through Mr. Chirag M. Shroff and Ms. Sharmila Upadhyay, Advocates respectively and they have filed counter affidavits on behalf of the said respondents which have already been included in the paper-books. The name of Respondent No. 7 has been deleted vide court's Order dated 29.02.2016. A. D. cards duly signed have been received back from respondent Nos. 2 to 5 but no one has entered appearance on their behalf so far.

It is further submitted that counsel for the petitioner has also filed rejoinder affidavit and the same has already been included in the paper-books.

It is further submitted that Mr. Haresh Raichura, Advocate had filed application for intervention along-with vakalatnama/appearance. The application is registered as Interlocutory Application no. 4 and the same has already been included in

the paper-books.

It is further submitted that Mr. Anjani Kumar Mishra, Advocate had also filed an application for impleadment along-with vakalatnama/appearance. The application is registered as Interlocutory Application No. 5 and the same has already been included in the paper-books.

It is further submitted that M/s. A. P. & J Chambers, Advocates had filed an application for impleadment along-with vakalatnama/appearance. The application is

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registered as Interlocutory Application No. 6 and listed before the Hon'ble Judge-in-chambers on 25.02.2015 when the following Order was passed:

**"The application will be considered along with the Special Leave Petition."**

Service of notice is complete in the SLP.

PETITIONS FOR SPECIAL LEAVE TO APPEAL (CIVIL) NOS. 9092-9094 OF 2013

It is submitted for the information of the Hon'ble Court that there are 5 respondents in the instant matter. Respondent No. 2 is represented through Mr. P. J.

Malkan, Advocate but he has not filed counter affidavit so far. A. D. cards duly signed have been received back from respondent Nos. 3 and 4 but no one has entered appearance so far. Neither A. D. cards nor unserved covers has been received back from respondent Nos. 1 and 5.

It is further submitted that fresh notice as well as dasti notice has been issued for respondent nos. 1 and 5. AD cards duly signed has been received back from respondent no. 1 but no one has entered appearance. Neither AD card nor unserved cover has been received back from respondent no. 5. Counsel for petitioner has also not filed affidavit of dasti service in respect of respondent no. 5.

Service of notice is not complete on respondent No. 5.

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) NO. 18280 OF 2013

It is submitted for the information of the Hon'ble Court that there are nine respondents in the instant matter. Notice has not been ordered in this matter.

It is further submitted that counsel for the petitioner has filed an application for impleadment which is registered as Interlocutory Application No. 3 and the same has been included in the paper-books.

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) NO. 19878 OF 2014

The matter above mentioned was listed before the Hon'ble Court on 08th August, 2014 when the Court was pleased to pass the following Order:

**"Issue notice.  
Tag with SLP (C) Nos. 9092-9094 of 2013."**

It is submitted for the information of the Hon'ble Court that there is sole respondent in the instant matter. Show cause notice was issued to the sole respondent through registered A. D. post. A. D. card duly signed has been received back from the sole respondent but no one has entered appearance so far.

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It is further submitted that M/s. A. P. & J Chambers, Advocate has filed an application for impleadment along-with vakalatnama/appearance which is registered as Interlocutory Application No. 1 and listed before the Hon'ble Judge-in-chambers along-with connected matters on 25.02.2015 when the following Order was passed:

**"The application will be considered  
along with the Special Leave Petition."**

Service of notice is complete.

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) NO. 73 OF 2015

The matter above mentioned was listed before the Hon'ble Court on 16th January, 2015 when the Court was pleased to pass the following Order:

**"Issue notice.  
Learned counsel for the respondent accepts  
notice.  
Tag with SLP(C)No. 37871/2012."**

It is submitted for the informaiton of the Hon'ble Court that there are three

respondents in the instant matter. Mr. Ramesh Lal Bhatia, Advocate has filed vakalatnama/appearance and counter affidavit on behalf of respondent No. 1 which has been included in the paper-books. Ms. Hemantika Wahi, Advocate has on 26.02.2016 filed memo of appearance on behalf of respondent Nos. 2 and 3 but she has not filed counter affidavit.

Service of notice is complete.

It is submitted for the information of the Hon'ble Court that Mr. Ajit S. Bhasme, Advocate for the appellans has filed a letter dated 05.04.2016 stating inter-alia that the subject matter of C.A Nos. 5312-13/05, 5314/05, 6587/05, 3018/07, SLP(C) Nos. 10732/06, 6068/06 form part of the same batch which can be disposed of by the common order. (Copy of the Order is enclosed.)

The matters alongwith applications above-mentioned are listed before the Hon'ble Court with this office report.

ASSISTANT REGISTRAR

Copy to:

Mr. A.S. Bhasme, Advocate  
Mr. Abhijit Sinha, Advocate  
Mr. E. C. Agrawala, Advocate  
Mr. Chirag M. Shroff, Advocate  
Ms. Sharmila Upadhyay, Advocate  
Mr. Anjani Kumar Mishra, Advocate  
Mr. Haresh Raichura, Advocate  
Mr. Avinash Kumar, Advocate  
Mr. P. J. Malkan, Advocate  
M/s. A. P. & J. Chambers, Advocates  
Mr. Bhargava V. Desai, Advocate  
Mr. Pradeep Misra, Advocate

Ms. Hemantika Wahi, Advocate  
Mr. Ramesh Lal Bhatia, Advocate

ASSISTANT REGISTRAR

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