

ITEM NO.4

COURT NO.3

SECTION XVI

S U P R E M E C O U R T O F I N D I A
 RECORD OF PROCEEDINGS
 CONTEMPT PETITION(C)NO.240 OF 2010
 in
 CIVIL APPEAL NO.7220 OF 2000

M/S PULAK ENTERPRISES

Petitioner(s)

VERSUS

P.K.ROY,CHAIRMAN BSEB & ANR

Respondent(s)

Date: 15/11/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.V. RAVEENDRAN

HON'BLE MR. JUSTICE A.K. PATNAIK

For Petitioner(s)

Mr. Ajit Kumar Sinha,Sr.Adv.

Mr. Ashwarya Sinha,Adv.

Mr. Ambhoj Kumar Sinha,Adv.

For Respondent(s)

Mr. Amrendra Saran,Sr.Adv.

Mr. Navin Prakash,Adv.

Mr. Farrukh Rasheed,Adv.

Mr. Ehtesham Ahmad,Adv.

Mr. Ashish Sharma,Adv.

Mr. V.N. Raghupathy,Adv.

UPON hearing counsel the Court made the following

O R D E R

The Chairman of Bihar State Electricity
 Board (BSEB)is present in Court.

Learned counsel for the respondent states
 that in compliance with the order dated 15.4.2009,
 the Board has made the following order dated
 22.10.2010:

"In terms of the judgment and order in
 Civil Appeal No.7220-7239 of 2000 passed by
 the Hon'ble Supreme Court of India on

2

15/04/2009 and on 25/01/2010, the Board
 decides to make adjustment in the rate of
 Fuel Surcharge for the financial year 1998-
 99 by incorporating the amount of Rs.100
 (One Hundred) Crores receivable from M/s.
 Coal India Ltd. with regard to coal
 supplies including quality, quantity, all
 types of claims and damages etc. upto
 31/03/1997.

The said adjustment shall be made effective

as per rules as soon as the aforesaid amount of Rs.100 (One Hundred) Crores is received"

Learned counsel for the respondent

stated that in terms of the paras 45 and 46 of the order dated 15.4.2009, the Board will now work out the actuals within one month from today. As far as implementation is concerned, it is submitted that the same will be done after receiving payment, as per para 46 read with para 45 of the order dated 15.4.2009.

The learned counsel for petitioner

states that adjustment to be carried out cannot be postponed indefinitely and that the second para of the order dated 22.10.2010 is the violation of the order dated 15.4.2009. Hence, we adjourn the matter by a month to enable the respondent to file the calculations. The matter will be considered after the calculations are filed.

The presence of the respondent Chairman,
3

BSEB is dispensed until further orders.

(O.P. Sharma)
Court Master

(M.S. Negi)
Court Master