

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

RECORD OF PROCEEDINGS

IA 3/2006 in

Petition(s) for Special Leave to Appeal (Civil) No(s).20471/2005

(From the judgement and order dated 13/09/2005 in WP No. 2460/2005 of The
HIGH COURT OF JHARKHAND AT RANCHI)

M/S ASHOKA SMOKELESS COAL IND.P.LTD.&ORS

Petitioner(s)

VERSUS

UNION OF INDIA AND ORS.

Respondent(s)

(For directions and office report)

With

I.A.No.2 in SLP(C) No. 20541/2005(For directions)

I.A.No.2 in SLP(C) No. 20542/2005(For directions)

I.A.No.5 in SLP(C) No. 22596/2005(For directions and office report)

I.A.No.3 in SLP(C) No. 23323/2005(For directions and office report)

I.A.No.3 in SLP(C) No. 23324/2005(For directions and office report)

I.A.No.4 in SLP(C) No. 23325/2005(For directions)

I.A.No.3 in SLP(C) No. 23326/2005(For directions and office report)

I.A.No.3 in SLP(C) No. 23327/2005(For directions and office report)

I.A.No.3 in SLP(C) No. 23345/2005(For directions and office report)

I.A.No.1 in T.C.(C) No. 41/2006(for directions)

I.A.No.1 in T.C.(C) No.29/2006(For directions)

With

I.A.No.1 in T.C.(C) No.27/2006(For directions)

Date: 19/10/2006 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.B. SINHA

HON'BLE MR. JUSTICE P.P.NAOLEKAR

For Petitioner(s)/
Respondent(s)

Mr. Goodwill Indeevar, Adv.

Mr. Ajit Kumar Sinha, Adv.

Mr. Krishan Mahajan, Adv.

Mr. G. Prakash, Adv.

Mr. Satyakam, Adv.

Mr. V. K. Verma, Adv.

Mr. N. Ganpathy, Adv.

Dr. Sushil Balwada, Adv.

Mr. Rajesh Singh, Adv.

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Mr. Manish Kumar Saran, Adv.

Mr. Anip Sachthey, Adv.

Mr. Mohit Paul, Adv.

Mr. Ranjit Kumar, Sr. Adv.

Mr. Debasish Bharukha, Adv.

Mr. Pankaj Bhagat, Adv.

Mr. Rajesh Singh, Adv.

Ms. Gouri Karuna Das, Adv.

Ms. Anu Gupta, Adv.

Mrs. Hansa Bharuka, Adv.

Dr. Sushil Balwada, Adv.

Ms. Suparna Srivastava, Adv.

Ms. Pooja Matlani, Adv.

Ms. Nidhi Minocha, Adv.

Mr. Rajesh Srivastava, Adv.

UPON hearing counsel the Court made the following

O R D E R

I.A.No. 1 in T.C. 15/2006 is taken on board.

Issue notice on I.As.

Mr. Ajit Kumar Sinha, learned counsel accepts notice.

After hearing learned counsel for the parties, we direct the respondents to abide by the directions issued by this Court in its order dated 12.12.2005. However, we may place on record that the respondents have clearly stated that steps are being taken for refund of the excess amount deposited by the petitioners. Our attention has, however, been drawn to the fact that the period of lifting coal has now been reduced from 90 days to 45 days. We do not see any unreasonableness therein. So far as the question in regard to initiation of the process of refund is concerned, we direct that the same may be initiated immediately after 45 days. However, we also make it clear that in the event the petitioners for their own convenience intend to get the excess amount deposited by them adjusted in future delivery, the same shall be clearly stated or they may indicate that they want refund so that the respondents may not initiate any process for refund of the amount within the aforementioned period of 45 days. We may also place on record the submissions made at the Bar that the petitioners will have no objection to deposit the original delivery order in the event the same is required.

I.As. are disposed of accordingly.

(Meenu Sethi)
hardwaj)
Court Master

(Pushap Lata B
Court Master