

SLP(C)No. 1065-1066 OF 2004

ITEM No.1(PH)

Court No. 6

Revised  
SECTION XVI  
A/N MATTER

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) Nos. 1065-1066/2004

(From the judgment and order dated 01/08/2003 in FMAT 212/2003 & CAN 1162  
of 2003 of The HIGH COURT OF CALCUTTA)

WEST BENGAL ROLLING MILLS ASSOCIATION

Petitioner (s)

VERSUS

STATE OF WEST BENGAL & ORS. Respondent (s)  
( With prayer for interim relief and office report )

WITH SLP(C)No.24751/2003 - (With appln.(s) for permission to submit addl.  
documents & with prayer for interim relief and office report)

Date : 10/08/2004 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SHIVARAJ V. PATIL  
HON'BLE MR. JUSTICE B.N. SRIKRISHNA

For Petitioner (s)Mr. Vijay Hansaria, Sr.Adv.  
in SLP(C)1065-66Mr. Jayesh K.U., Adv.  
Mr. Anand, Adv.  
Mr. D. Bharat Kumar, Adv.  
Mr. G. Venkatesh, Adv.  
Mr. Abhijit Sengupta, Adv.

SLP(C)24751Mr. Iqbal Chagla, Sr.Adv.  
Mr. P.H. Parekh, Adv.  
Mr. Sameer Parekh, Adv.  
Mr. Ajay Jha, Adv.  
Mr. Meenakshi Ray, Adv.  
for M/s. P.H. Parekh & Co., Advs.

For Respondent (s)Mr. V.R. Reddy, Sr.Adv.  
StateMr. Avijit Bhattacharjee,Adv.  
Mr. Atanu Saikia, Adv.

Mr. Shanti Bhushan, Sr.Adv.  
Dr. A.M. Singhvi, Sr.Adv.  
Dr. Sameer Chakravarti, Adv.  
Ms. Gauri Rasgotra, Adv.  
Mr. Amit Bhandari, Adv.  
Mr. Sanjeev Kumar, Adv.

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Mr. Ashok Kumar Gupta,Adv.

Mr. Gopal Subramaniam, Sr.Adv.  
Mr. Pijush K. Roy, Adv.  
Mr. Pratik Dhar, Adv.  
Mr. Sunil Mathew, Adv.  
for Mr. Rajesh Prasad Singh,Adv.

Mr. Sanjeev Sen, Adv.  
Ms. Hemantika Wah, Adv.

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

Mr. Vijay Hansaria, learned Senior counsel for the petitioner in SLP(C)Nos.1065-66/04 commenced his arguments at 12.15 p.m. and continued till 2.20 p.m. Then, Mr. Iqbal Chagla, learned Senior counsel for the petitioner in SLP(C)No.24751/03 made his submissions from 2.20 p.m. to 2.50 p.m. Thereafter, Mr. Vijay Hansaria resumed his arguments and had not concluded till 4.00 p.m. when the Court rose for the day.  
The matters remained part-heard.

Sarita (T.I. Rajput) (Shelly Sengupta)  
Court Master Court Master

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ITEM NO.1(PH) COURT NO.6 SECTION XVI

DATE : 11/8/2004

CORAM & APPEARANCE : Same as shown above, except the name of  
Mr. Jayanta Mitra, Sr. Adv. with Ms. Hemantika  
Wahi be included and the name of Mr. Gopal  
Subramaniam, Sr. Adv. be deleted.

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

Mr. Vijay Hansaria, learned Senior counsel for the petitioner in SLP(C)Nos.1065-66/04 resumed his arguments at 10.35 a.m. and concluded at 11.10 a.m. Mr. Iqbal Chagla, learned Senior counsel for the petitioner in SLP(C)No.24751/03 commenced his arguments and concluded at 12.05 p.m. Mr. V.R. Reddy, learned Senior counsel for the State started his arguments and concluded at 3.05 p.m. Mr. Shanti Bhushan, learned Senior counsel for the respondents started his

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arguments and concluded at 3.40 p.m. Mr. Jayant Mitra, learned Senior counsel for the respondent made his submissions till 3.55 p.m. Mr. Prateek Dhar, learned counsel for the respondent started his arguments and had not concluded till 4.00 p.m. when the Court rose for the day leaving the matters part-heard.

Sarita (T.I. Rajput) (Shelly Sengupta)  
Court Master Court Master

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ITEM NO.1(PH) COURT NO.6 SECTION XVI

DATE : 12/8/2004

CORAM & APPEARANCE : Same as shown above, except the names of Ms.  
Aruna Gupta, and Ms. Archana P. Khopde, Adv.  
be included with Ms. H. Wah, Adv. and names  
of Mr. Farrukh Rashed, Adv. be included with  
Mr. Ashok Kumar Gupta and names of Dr. A.M.  
Singhvi, Sr. Adv., Mr. P.H. Parekh, Mr. G.

Venkatesh and Mr. D. Bharat Kumar, Advs. be  
deleted

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

Having heard the learned counsel for the parties on either side for quite some time, we are of the view that these matters involve important questions of law in the light of the Judgment of this Court in W.B. Electricity Regulatory Commission vs. C.E.S.C. Ltd. [ (2002) 8 SCC 715 ] having bearing on the determination of tariff under the Electricity Act, 1998 in all the States. Hence, in our view, these matters are required to be heard by a larger Bench.

The Registry is directed to place the papers before the Hon'ble the Chief Justice for appropriate orders.

Application for permission to submit additional documents is allowed.

Leave granted.

Hearing expedited.

Liberty is granted to the parties to mention for an early date of hearing.

Sarita  
Court Master

(T.I. Rajput)  
Court Master

(Shelly Sengupta)