

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

IA No.1 in T.C.(C) No...../2004 @ In TP(C)816/03

M/S. BHARAT EARTH MOVERS LTD.

Petitioner (s)

VERSUS

CATERPILLAR (INDIA) PVT. LTD. & ORS.

Respondent (s)

(TP(C)Nos.813-816/03- With Appln(s). for directions)

WITH
SLP(C) 24219/03,TC(C_Nos.4&5/04 and TC...../04 @ TP(C)No.815/03

Date : 8/03/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE RUMA PAL
HON'BLE MR. JUSTICE ARUN KUMAR

For Petitioner (s) Mr. Mukul Rohtagi,ASG.
Mr. V. Shekhar,Adv.
Mr. S.Ganesh,Adv.

For Respondent (s) Mr. Ranjit Kumar,Sr.Adv.
Mr. Lalit Bhasin,Adv.
Ms.Arпита Mahajan,Adv.
Ms.Shilpi Jha,Adv.
Ms.Nina Gupta,Adv.

Ms. Bina Gupta,Adv.
Mr. Sanjay Gupta,Adv.
Ms. Pooja,Adv.

Mr.AnipSachthey,Adv.
Mr. Shrinivas R.Khalap,Adv.
Mr. E.Venu Kumar,Adv.
Mr. H.V.Ahmad,Adv.
Mr. S.C.Mahadia,Adv.

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UPON hearing counsel the Court made the following

O R D E R

I.A.No.1 is disposed of in the following manner:

- 1.Hearing of the transferred matters and special leave petition is expedited.
2. It is made clear that the order passed by this Court on 7.1.2004 transferring the writ proceedings included appeals arising out of the writ proceedings.
3. Pending the disposal of the matter by this Court the respondent- Coal Company will be at liberty to place an order of 40% of the proposed requirement on the PSE. As far as the balance 60% is concerned the respondent-Coal Company shall not for the time being place any such order.

4. In the event there is a difference of more than 10% between the lowest price and the price quoted by the PSE, justifying the respondent-Coal Company granting the tender to private organisations such as the petitioners before us, the respondent-Coal Company shall do so. If such private organisations do not in fact supply or agree to supply in terms of the conditions of tender as may be stipulated by the respondent-Coal Company, it will be open to the respondents to obtain the supply from the PSE.

This order is passed without prejudice to the

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rights of the parties. This order will be operative from today. Liberty to mention. Liberty is granted to file rejoinder affidavit in the main matter.

[SUMAN WADHWA][MADHU SAXENA)
COURT MASTER COURT MASTER