

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) No(s).17810/2006

(From the judgement and order dated 06/09/2006 in CMWP No. 49123/2006 of the HIGH COURT OF JUDICATURE AT ALLAHABAD)

EXECUTIVE ENGINEER,D.V.V.NIGAM LTD.

Petitioner(s)

VERSUS

M/S GUPTA ICE FACTORY & ORS.

Respondent(s)

(With appln(s) for further direction, clarification, permission to file counter affidavit, permission to submit addl. documents, exemption from filing O.T. and office report)

WITH
CONMT.PET.(C) NO. 73 of 2010

Date: 27/07/2011 These Petitions were called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE AFTAB ALAM
HON'BLE MR. JUSTICE R.M. LODHA

For Petitioner(s)
Mr. B.P. Singh, Dhakray, Adv.
Mr. Shakti Singh Dhakray, Adv.
Mr. Dharam Bir Raj Vohra, Adv.

For Respondent(s)
Mr. Dinesh Kumar Garg, Adv.
Mr. Abhishek Agarwal, Adv.

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

SLP (C) No. 17810/2006
In course of hearing, Mr. Dinesh Kumar Garg, counsel appearing for the respondent, on instructions received from the respondent, stated that with a view to
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put an end to this long standing controversy, the respondent is willing to clear all existing dues.

Counsel for the petitioner Nigam produced a copy of the bill dated July 05, 2011 issued to respondent No.2. The bill is for a sum of `39,57,781.37, out of which the outstanding dues are `36,56,358.10. The amount of the outstanding dues includes a sum of `16,49,126.50

as surcharge.

Currently, there is a One Time Settlement (OTS) Scheme in operation in the Nigam. It was introduced on July 01, 2011 and is to go upto September 15, 2011. Mr. Dhakray, counsel for the petitioner Nigam, agreed that in terms of the OTS Scheme, the respondent would be entitled to waiver of surcharge and as a result the outstanding dues would come down to `20,07,231.60, which the respondent would be required to pay in four equal monthly instalments.

Mr. Garg stated that the respondent would avail of

the benefit of the OTS Scheme and shall pay off the entire outstanding dues in four equal monthly instalments as provided for under the OTS Scheme.

With the consent of the parties, therefore, this special leave petition is disposed of with the following directions:

a) the respondent shall pay the first instalment in terms of the OTS Scheme on August 01, 2011 and the remaining three instalments on the first date of every succeeding month, so that the fourth and the last instalment is paid on November 01, 2011; and

b) it shall also pay the amount of the current bill along with the first instalment on August 01, 2011.

It is made clear that in case of any default in payment of any of the instalments of the outstanding dues or in the payment of the current bills, it will be open to the petitioner Nigam to take appropriate action and to proceed against the respondent for the realisation of its dues in accordance with law.

In view of this order, all proceedings arising between the parties, that may be pending either before the Appellate Authority under Section 127 of the Electricity Act, 2003 or before the High Court shall come to an end.

Contempt Petition (C) No. 73/2010

On compliance with the directions passed in Special Leave Petition (C) No. 17810 of 2006, the contempt notice shall stand discharged.

The contempt petition stands disposed of.

(N.S.K. Kamesh)
Court Master

(S.S.R. Krishna)
Court Master