

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. for further direction, clarification, permission to file counter affidavit and office report)

WITH

SLP(Crl) NO. 2565 of 2007

(With appln. for stay, exemption from filing O.T. and c/c of impugned judgment and office report)

SLP(Crl) NO. 2537 of 2007

(With appln. for stay, c/delay in filing substituted service and office report)

SLP(Crl) NO. 3175 of 2007

(With appln. for c/delay in filing SLP, exemption from filing O.T. and c/c of the impugned order, stay, c/delay in filing substituted service and office report)

SLP(Crl) NO. 5825 of 2007

(With appln. for stay, exemption from filing O.T. and c/c of the impugned order and office report)

SLP(Crl) NO. 9354 of 2008

(With appln. for stay, exemption from filing O.T. and c/c of the impugned order, c/delay in filing SLP and office report)

CONMT.PET.(C) NO. 73 of 2010 in SLP (C) No/ 17810/2006

Date: 19/07/2011 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.

.....2/-

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For Respondent(s)

SC 17810/06 &

Mr. D.K. Garg, Adv.

CP 73/10

Mr. B.S. Billowria, Adv.

SR 5825/07 &

Mr. Jasbir Singh Mallik, Adv.

9354/08

for Mr. S.K. Sabharwal, Adv. (NP)

Mr. S.K. Verma, Adv. (NP)

UPON hearing counsel the Court made the following

O R D E R

SLP (C) No. 17810/2006

Contempt Petition (C) No. 73/2010 in SLP(C) No.17810/2006

After hearing counsel for the parties for some time, these cases are adjourned to July 26, 2011 for the reason that the alleged contemnor - Ashok Kumar Gupta -

is not present today in Court. On the next date, Ashok Kumar Gupta is directed to remain personally present in Court.

This order is passed in presence of his counsel, Mr. D.K. Garg, who will ensure his presence on the next date fixed.

SLP (CrI.) No. 2565/2007

SLP (CrI.) No. 2537/2007

SLP (CrI.) No. 3175/2007

The question that arises for consideration in these cases is whether the amendment introduced in Section 151 of the Electricity Act, 2003 and the addition of Sections 151-A and 151-B in the Act would have a retrospective effect and the added provisions would apply to cases of electricity theft that took place before June 15, 2007, the date with effect from which the amendment came into force.

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The petitioner is represented by Mr. B.P. Singh Dhakray, but no one appears for the respondents.

Since the matter is of some import, we requested Mr. Ranjit Kumar, senior counsel, who is present in Court, to assist us as amicus curiae. He has accepted the request.

Counsel for the petitioner shall supply a complete set of the SLP paper books to the amicus today itself.

Put up on July 27, 2011.

SLP (CrI.) No. 5825/2007

SLP (CrI.) No. 9354/2008

Parties are in agreement that Civil Appeal Nos. 6028/2007, 8901/2010 and SLP (C) No 31731/2009 are between the same parties and arise from the same controversy. It is, therefore, desirable that these two matters should be heard along with the aforesaid civil appeals and the SLP.

Let all the five cases, as mentioned above, be listed together after taking appropriate orders from the Hon'ble the Chief Justice.

(N.S.K. Kamesh)
Court Master

(S.S.R. Krishna)
Court Master