

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL NO.1564 OF 2009

**The Chief Engineer/Civil Designs/TNEB
& Ors.**

... APPELLANT(S)

VS.

**M/s. Associated Cement Companies Ltd.
(Now known as ACC Ltd.) AND ANR.**

... RESPONDENT(S)

WITH

CIVIL APPEAL NO.1565 OF 2009

O R D E R

CIVIL APPEAL NO.1564 OF 2009

This appeal arises out of impugned judgment and order dated 6th August, 2008 passed by the High Court of Judicature at Madras in Writ Appeal No.745 of 2007

Having heard the learned counsel for the parties and on perusal of the record of the case, we are of the considered opinion that this appeal has in fact and for all practical purposes rendered infructuous.

It is for the reason that the challenge in the Writ Appeal out of which this appeal arises was to one Memorandum of Understanding (MOU) entered into between the parties on 5th December, 2001 (Annexure R-1 to the counter affidavit of respondent No.1 and Annexure P-2 of the appeal paper book).

In terms of clause 23 of MOU it was to remain in force only for a period of nine years.

It is not in dispute that the period of nine years has expired in 2010 and thereafter it was not renewed. In this view of the matter, there remains nothing for this Court to now examine the legality and correctness of the impugned judgment which upheld the MOU in favour of the respondent.

Learned counsel for the appellant-TNEB now known as TANGEDCO however submitted that the appellant may have any claim against the respondents arising out of the MOU due to non-fulfillment of its terms.

If that be so, the parties would be at liberty to work out their rights in accordance with law.

With these observations, we dismiss the appeal as having rendered infructuous.

CIVIL APPEAL NO.1565 OF 2009

Learned counsel for the appellant does not want to prosecute this appeal and seeks permission to withdraw the appeal.

Permission is granted.

The civil appeal is, accordingly, dismissed as withdrawn.

.....J.
[ABHAY MANOHAR SAPRE]

.....J.
[S.ABDUL NAZEER]

New Delhi;
September 12, 2018.

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

Civil Appeal No(s). 1564/2009

CHIEF ENGINEER/CIVIL DESIGNS/TNEB AND ORS.

Appellant(s)

VERSUS

M/S. ASSOCIATED CEMENT COMPANIES LTD.
(NOW KNOWN AS ACC LTD.) AND ANR.

Respondent(s)

WITH

C.A. No. 1565/2009

Date : 12-09-2018 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY MANOHAR SAPRE

HON'BLE MR. JUSTICE S. ABDUL NAZEER

For Appellant(s)

Mr. Aditya Verma, Adv.
Mr. Tribikram, Adv.
Mr. Arjun Krishnan, AORMr. B.Vinod Kanna, Adv.
Mr. R. Nedumaran, AOR

For Respondent(s)

Mr. U.A.Rana, Adv.
Mr. Himanshu Mehta, Adv.
For M/S. Gagrat And Co, AORUPON hearing the counsel the Court made the following
O R D E R

Civil Appeal No.1564/2009 is dismissed as having rendered infructuous and Civil Appeal No.1565/2009 is dismissed as withdrawn in terms of the signed order.

Pending application, if any, shall also stand disposed of.

(ANITA MALHOTRA)
COURT MASTER(CHANDER BALA)
COURT MASTER

(Signed order is placed on the file.)