

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).28708/2008

(From the judgment and order dated 06/11/2008 in WP No.12767/2008
of the HIGH COURT OF M.P. AT JABALPUR)

NTPC LTD. Petitioner(s)

VERSUS

COMMR.MUNICIPAL CORP.& ANR. Respondent(s)

(With appln(s) for permission to place addl. documents on record
and prayer for interim relief)

Date: 23/01/2009 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.H. KAPADIA
HON'BLE MR. JUSTICE AFTAB ALAMFor Petitioner(s) Mr. G.E. Vahanvati, SG.
Mr. Akshat Shrivastava, Adv.
Mr. P.P. Singh, Adv.
Mr. Inderjeet Yadav, Adv.For Respondent(s) Mr. P.S. Narasimha, Sr.Adv.
Ms. Saahila Lamba, Adv.
Mr. Sudhir Nandrajog, Adv.UPON hearing counsel the Court made the following
ORDER

On 12th December 2008, this Court passed the following Order:-

"In this case the submission made on behalf of NTPC Ltd. is that the issue is no more res integra and that the said issue is squarely covered by the judgment of this Court in State of Andhra Pradesh Vs. National Thermal Power Corporation Ltd. & Ors. reported in 2002 (5) SCC 2003.

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"However, we find that in the interim application for stay NTPC Ltd. has not pleaded the afore-stated contentions. In the circumstances, this Special Leave Petition stands adjourned for six weeks in order to enable NTPC to move the High Court and raise the above contentions in the context of stay."

On that day the Special Leave Petition stood adjourned for six weeks in order to enable NTPC to move the High Court and raise appropriate contentions in the stay application. On that day the learned senior counsel appearing for the Corporation stated that the Corporation will not take steps to recover the balance amount. It appears that there was some communication gap. In fact the advocate on record wrote to the Corporation not to take steps to recover the amount. Be that as it may, an amount of Rs.1,11,00,000/- (one crore eleven lakhs) stood recovered from NTPC by the Corporation on and after

12th December, 2008.

In the above circumstances, we direct the Corporation to put the clock back and repay the amount of Rs.1,11,00,000/- (one crore eleven lakhs) to NTPC within a period of two weeks from today. These facts may also be brought to the notice of the High Court in the pending stay application.

Accordingly, in terms of our Order dated 12 th December, 2008, this Special Leave Petition stands disposed of. There shall be no order as to costs.

(S. Thapar)
PS to Registrar

(Madhu Saxena)
Court Master