

SLP (C)No. 37702/2013 etc.

ITEM NO.7

COURT NO.4

SECTION XV

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).37702/2013  
(From the judgement and order dated 18/11/2013 in SBCMA No.1862/2012  
of The HIGH COURT OF RAJASTHAN AT JAIPUR)

MANGALAM CEMENT LTD

Petitioner(s)

VERSUS

RAJASTHAN RAJYA VIDYUT UTP. NIGAM LTD

Respondent(s)

(With appln(s) for directions, intervention, permission to place  
addl. documents on record, exemption from filing O.T. and prayer for  
interim relief)

WITH SLP(C) NO. 1130 of 2014

(With prayer for interim relief and office report)

SLP(C) NO. 2420 of 2014

(With appln(s) for permission to file additional documents and  
permission to file lengthy list of dates and with prayer for interim  
relief and office report)

SLP(C) NO. 37709 of 2013

(With appln(s) for permission to place additional documents  
record and with prayer for interim relief and office report) on

SLP(C) NO. 6512 of 2014

SLP(C) NO. 7012 of 2014

(With prayer for interim relief and office report)

SLP(C) NO. 3628 of 2014

(With appln(s) for permission to file additional documents and with  
prayer for interim relief and office report)

Date: 25/04/2014

These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. PATNAIK

HON'BLE MR. JUSTICE FAKKIR MOHAMED IBRAHIM KALIFULLA

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SLP (C)No. 37702/2013 etc.

For Petitioner(s)

Mr. Mukul Rohtagi, Sr. Adv.

Mr. Ranjeet Kumar, Sr. Adv.

Mr. Amit Pawan, Adv.

Mr. U. A. Rana, Adv.

Mrs. Mrinal Elkar Majumdar, Adv.

M/S Gagrat & Co., Advs.

Mr. R. F. Nariman, Sr. Adv.

Mr. Shantanu Kumar, Adv.

For Respondent(s)

Mr. K. K. Venugopal, Sr. Adv.  
Mr. Ajay Choudhary, Adv.

Mr. Puneet Taneja, Adv.

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

Pursuant to our orders passed on 04.04.2014, affidavits have been filed by all the petitioners stating therein that they will lift 80 per cent of the saleable MT mentioned in the last column of appendix 1 extracted in the aforesaid order dated 04.04.2014 of this Court.

Mr. Venugopal appearing for respondent-Nigam submits that in case any of the parties default in lifting the quantity as undertaken before this Court, the Nigam should be allowed to dispose of the fly ash after serving intimation to the party concerned and also recover an expense of Rs. 150 per MT on disposal of the fly ash through wet system from the defaulting party in addition to the interim rate of fly ash of Rs. 250 per MT if the fly ash is not sold. We find that the aforesaid proposal of Mr. Venugopal is fair and reasonable.

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SLP (C)No. 37702/2013 etc.

We, accordingly, direct that in case of default of any of the parties to lift the promised quantities, the Nigam will be entitled to issue a two days' advance notice and thereafter, dispose of the fly ash through wet system and will recover expenses at the rate of 150 per MT for disposal of such fly ash in addition to the interim rate of Rs.250 per MT if the fly ash is not sold.

List the matter in the month of July, 2014, on a non-miscellaneous day.

[Nidhi Ahuja]  
Court Master

[Sharda Kapoor]  
Court Master

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