

hearing, Shri Balbir Singh, learned ASG has stated at the Bar that pursuant to the order passed by this Court dated 09.03.2022, one Shri Dilip Nivrutti Bhole, Superintending Engineer, In-charge (O&M) of the Distribution Company has remained present in the Court. An affidavit is filed on behalf of respondent no.5 tendering unconditional apology and explaining the circumstances under which the inadvertent demand of additional surcharge was made for the month of November, 2021. It is reported that the demand which was raised for the month of November, 2021 has now been withdrawn vide communication dated 12.03.2022, which has been communicated through email dated 14.03.2022. Shri Balbir Singh, learned ASG has stated that the demand was raised inadvertently and there was no *malafide* intention on the part of the respondents in not complying with the orders passed by this Court. It is submitted that there is no deliberate, wilful disobedience by the officers of the Distribution Company. It has been submitted that inadvertently and because of the computer generated bills, the bills have been issued for which the respondents tender unconditional apology.

In the facts and circumstances of the case and the fact that now the demand of additional surcharge for the month of November, 2021 has been withdrawn and considering the affidavit-in-reply filed on behalf of respondent no.5 and the explanation in the said affidavit, we accept the unconditional apology tendered on behalf of the respondents and close the present contempt proceedings.

However, so far as the alleged non-compliance of the judgment and order passed by this Court dated 10.12.2021 to the effect that

contd..

the additional surcharge already recovered from the captive consumers/captive users have not been adjusted in the future wheeling charge bills is concerned, having heard the learned counsel appearing for the respective parties and to see that there is no financial inconvenience and/or additional burden upon the Distribution Company and at the same time to consider the interest of the captive consumers/captive users who as such have succeeded before this Court, we direct that the amount of additional surcharge already recovered which the Distribution Company is liable to refund to the captive consumers/captive users, the same may be adjusted in the future wheeling charge bills (as ordered earlier) by giving 50% of the credit of the actual bills meaning thereby the 50% of the actual wheeling charge bills shall be given credit and adjustment towards the additional surcharge already recovered, meaning thereby the concerned captive consumers/captive users have to make the payment of 50% of the actual wheeling charge bills and the rest 50% would be adjusted towards amount due and payable/refunded to them.

We also observe and direct that any Bank Guarantee given by the concerned captive consumers/captive users towards additional surcharge shall be returned to the concerned captive consumers/captive users.

With this, the present contempt proceedings stand disposed of.

.....J.
[M.R. SHAH]

NEW DELHI
MARCH 15, 2022

.....J.
[B.V. NAGARATHNA]

ITEM NO.11

COURT NO.12

SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

CONMT.PET.(C) Nos. 112-113/2022 in C.A. Nos. 5074-5075/2019

M/S JSW STEEL COATED PRODUCTS LIMITED

Petitioner(s)

VERSUS

VIJAY SINGHAL & ORS.

Respondent(s)

(FOR ADMISSION)

Date : 15-03-2022 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.R. SHAH
HON'BLE MRS. JUSTICE B.V. NAGARATHNA

For Petitioner(s) Mr. Gopal Jain, Sr, Adv
Mr. Mahesh Agarwal, Adv
Mr. Rishi Agrawala, Adv
Mr. Anshuman Srivastava Adv
Mr. Rishabh Parikh, Adv
Mr. E. C. Agrawala, AOR

For Respondent(s) Mr. Balbir Singh, SG
Mr. G. Saikumar, Adv.
Mr. Samir Malik, Adv.
Mr. Sahil Sood, Adv.
Mr. Rahul Sinha, Adv.
Mr. Pahlad Singh, Adv.
M/S. D.s.k. Legal, AOR

Mr. Chandra Prakash, AOR

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

The present contempt proceedings stand disposed of in
terms of the signed order.

(NEETU SACHDEVA)
COURT MASTER (SH)

(signed order is placed on the file)

(NISHA TRIPATHI)
BRANCH OFFICER