

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.2952 of 2020
(Arising out of S.L.P (Civil)No.8732 of 2020)

DAMODAR VALLEY CORPORATION & ORS.

Appellant(s)

VERSUS

PURULIA METAL CASTING PRIVATE LIMITED & ANR.

Respondent(s)

O R D E R

Leave granted.

After hearing learned counsel for parties, we have not the least hesitation in coming to the conclusion that the impugned directions are unsustainable and the High Court could not have taken upon itself to reschedule the payments, more so, when the State Commission was already in seisin of the matter.

The impugned order is accordingly set aside.

At this stage, learned senior counsel for the respondents requests for sometime to pay the arrears along with the current charges being paid. He submits that this arrears will be cleared along with the late payment surcharge. The prayer is made on the basis that the respondents have already paid more than Rs.11 Crores and the Covid situation has created some problem, that the parties had a long relationship, and the balance amount would be cleared on or before 31st December, 2020.

Learned senior counsel for the appellants expresses an apprehension that this may create some sort of a precedent which will create complication in other matters.

We make it clear that we are passing some orders in the given facts of the case which shall not be treated as a precedent and we give time to the respondents to pay the balance amount along with late payment surcharge in four equal installments starting from the first week of September, 2020 payable on or before the 7th of each succeeding month so that all the amount is cleared on or before the 7th December, 2020. There should also be no default in the current charges which should be paid in time.

It is also made clear that no further application for extension of time shall be entertained in respect of the aforesaid and any single default would activate the right of the appellants to take suitable action for disconnection and any other measure as permissible.

The appeal is disposed of leaving parties to bear their own costs.

.....J.
[SANJAY KISHAN KAUL]

.....J.
[AJAY RASTOGI]

New Delhi;
August 14, 2020.

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

Petition(s) for Special Leave to Appeal (C) No(s). 8732/2020

(Arising out of impugned final judgment and order dated 07-07-2020
in MAT No. 473/2020 passed by the High Court at Calcutta)

DAMODAR VALLEY CORPORATION & ORS. Appellant(s)

VERSUS

PURULIA METAL CASTING PRIVATE LIMITED & ANR. Respondent(s)

Date : 14-08-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE AJAY RASTOGI

For Appellant(s) Mr. M.G.Ramachandran, Sr. Adv.
Mr. Nikunj Dayal, AOR
Ms. Anushree Bardhan, Adv.
Ms. Ranjitha Ramachandran, Adv.

For Respondent(s) Mr. Sanjay Sen, Sr. Adv.
Ms. Mandakini Ghosh, Adv.
Ms. Ritika Singhal, Adv.
Mr. Ketan Paul, AOR

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

Heard learned counsel for the parties.

Leave granted.

The appeal is disposed of in terms of the signed
order.

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

(ANITA MALHOTRA)
COURT MASTER

(ANITA RANI AHUJA)
ASSISTANT REGISTRAR

(Signed order is placed on the file.)