

IN THE SUPREME COURT OF INDIA
INHERENT JURISDICTION

CONTEMPT PETITION (CIVIL) NO. 466 OF 2020

IN

CIVIL APPEAL NO. 262 OF 2020

WITH

INTERLOCUTORY APPLICATION NO. 77555 of 2020

M/S VEDANTA LTD

...PETITIONER(S)

VERSUS

R. N. MOHAPATRA & ORS.

...RESPONDENT(S)

O R D E R

We have heard learned counsel for the parties at length.

Complaining of willful disobedience of the orders of this Court passed on 14.01.2020 in the above Civil Appeal No.262 of 2020, the respondent in Civil Appeal came up with the above contempt petition. On 7.08.2020, this Court ordered notice in the contempt petition.

Thereafter the petitioner in the contempt petition came up with Interlocutory Application

No.77555 of 2020 seeking stay of further action on the tenders floated by the contemnors, on the ground that if tenders are finalised and all available material are delivered to other buyers, the contempt petition as well as the order passed in the main Civil Appeal would become infructuous.

In view of the limited nature of the dispute, we heard arguments on the contempt petition itself.

The order dated 14.01.2020, the alleged violation of which has led to the above contempt petition reads as follows:

“ Leave granted.

We have heard learned Senior Counsel for the parties at length and perused the record. At one point of hearing the arguments, both the learned Senior Counsel appearing for the parties prayed for adjournment in the matter because they submitted that it might be a possibility of reasonable and amicable settlement of dispute involved between the parties.

Today, the respondent - M/s Vedanta Limited has agreed to certain terms which are apparent from the draft proposed minutes submitted in the Court by it, and which make it possible to dispose of the matter finally.

Accordingly, we consider it appropriate to pass the following orders :

The respondent(s) shall apply to the appellant viz., National Aluminium Company Limited (NALCO), through its any foreign subsidiary company.

The appellant - NALCO shall register the respondent(s) if the application is in accordance with the requirements. The appellant - NALCO further accepts that it shall register Vedanta Resources Limited , a company incorporated in the United Kingdom, or any other foreign subsidiary of the respondent - M/s Vedanta Limited which is eligible to participate in its tenders for calcined alumina. However, the delivery of the consignment may be taken at Vishakhapatnam Port on FOB basis, though the same will be for use in M/s Vedanta Limited SEZ at Jharsuguda, Odisha.

As desired by NALCO in its affidavit dated 10.01.2020, the respondent - M/s Vedanta Limited undertakes to provide to NALCO the bill of export and certification of goods having been admitted into the SEZ by the concerned officer of the SEZ as per Rule 30 of the SEZ Rules.

In these circumstances, we consider it appropriate to set aside the impugned judgment and order passed by the High Court of Orissa and dispose of the writ petition being W.P.(C) No.3634 of 2019 as withdrawn. Order accordingly.

The instant appeal is disposed of in the above terms."

Though the petitioner in the contempt petition concedes that pursuant to the aforesaid order, Vedanta

Resources Limited, a company incorporated in the United Kingdom has been granted registration and made eligible to participate in its tenders for calcined alumina, it is their grievance that the contemnor is not making delivery at Vishakhapatnam Port on FOB basis.

But Mr. S.K. Bagaria, learned Senior Counsel appearing for respondent No.1 submitted that they have no difficulty in effecting delivery of the consignment at Vishakhapatnam Port on FOB basis, if it is meant to be used in M/S Vedanta Limited SEZ at Jharsuguda, Odisha.

Shri Mukul Rohatgi, learned Senior Counsel for the petitioner states that the grievance of the petitioner will stand addressed, if delivery is effected at Vishakhapatnam port on FOB basis for the use of material in SEZ and that the petitioner will provide the bill of export and necessary certification as obligated vide the order dated 14.01.2020.

In view of the statements made by learned counsel on both sides, no further orders are necessary. Therefore the contempt petition as well as Interlocutory Application for directions are disposed of on the basis of the above statements.

.....CJI.
[S.A. BOBDE]

.....J.
[A.S. BOPANNA]

NEW DELHI
19TH AUGUST, 2020

.....J.
[V. RAMASUBRAMANIAN]

ITEM NO.17 Court 1 (Video Conferencing) **REVISED SECTION XI-A**

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

CONMT.PET.(C) No. 466/2020 in C.A. No. 262/2020

M/S VEDANTA LTD Petitioner(s)

VERSUS

R. N. MOHAPATRA & ORS. Respondent(s)
(IA No. 77555/2020 - CLARIFICATION/DIRECTION
IA No. 77556/2020 - EXEMPTION FROM FILING AFFIDAVIT)

Date : 19-08-2020 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE A.S. BOPANNA
HON'BLE MR. JUSTICE V. RAMASUBRAMANIAN

For Petitioner(s) Mr. Mukul Rohatgi, Sr. Adv.
Mr. A.N. Nadkarni, Sr. Adv.
Mr. P. S. Sudheer, AOR
Mr. Ninad Laud, Adv.
Mr. udayan Verma, Adv.
Ms. Shruti Jose, Adv.
Ms. Ananyaa Mazumdar, Adv.

For Respondent(s) Mr. S.K. Bagaria, Sr. Adv.
Mr. P.K. Sahu, Adv.
Mr. Kumar Ajit Singh, Adv.
Mr. Karuppaiah Meyyappan, Adv.
Mr. Kedar Nath Tripathy, AOR

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

The contempt petition as well as interlocutory application for directions are disposed of on the basis of the statements as contained in the signed order.

Pending application(s), if any, shall also stand disposed of.

(MADHU BALA)

AR-CUM-PS

(Signed order is placed on the file)

(INDU KUMARI POKHRIYAL)

ASSISTANT REGISTRAR

