

ITEM NO.7

Court 6 (Video Conferencing)

SECTION XV

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

Miscellaneous Application No.2214/2020

In

Civil Appeal No.679/2017

ULTRATECH CEMENT LTD

Petitioner(s)

VERSUS

RAJASTHAN RAJYA VIDYUT UTPADAN NIGAM LTD

Respondent(s)

(With appln.(s) for IA No.110269/2020-APPROPRIATE ORDERS/DIRECTIONS)

Date : 14-12-2020 This petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

HON'BLE MS. JUSTICE INDU MALHOTRA

HON'BLE MS. JUSTICE INDIRA BANERJEE

For Petitioner(s) Dr. Manish Singhi, Sr. Adv.
Mr. Kartik Seth, Adv.
Ms. Shriya Gilhotra, Adv.
Ms. Shivali Dahiya, Adv.
M/s. Chambers of Kartik Seth

For Respondent(s)

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

- 1 Dr Manish Singhvi, learned senior counsel appearing on behalf of the applicant (Rajasthan Rajya Vidyut Utpadan Nigam Ltd) submits that the order of this Court dated 19 January 2017, arising out of the proceedings which were initiated under Section 9 of the Arbitration and Conciliation Act 1996, determines the amount which the cement companies are required to pay for lifting of fly-ash until the objections to the arbitral award are disposed of. He

submits that the amount having been fixed at Rs 245 per metric tonne by the order of this Court, directions are also necessary to cover an eventuality where there is a failure to lift fly-ash, in which case wetting charges ought be paid over to the applicant.

- 2 Since the payment of wetting charges was not the subject matter of the earlier proceedings, we are not inclined to entertain the miscellaneous application at this stage for modification of the order dated 19 January 2017. However, we grant liberty to the applicants to pursue their remedies in accordance with law in regard to the payment of wetting charges including by way of a fresh application under Section 9.
- 3 Since the proceedings arising out of the arbitral award under Section 34 of the Arbitration and Conciliation Act 1996 are pending before a Single Judge of the Rajasthan High Court, we are of the considered view that those proceedings should also be expedited. The Single Judge is requested to dispose of the proceedings with all reasonable expedition on a certified copy of this order being produced, preferably within a period of six months. The High Court is requested also to expeditiously dispose of Writ Appeal No 4451 of 2019.
- 4 The miscellaneous application is disposed of in the above terms.

(CHETAN KUMAR)
A.R. - cum - P.S.

(SAROJ KUMARI GAUR)
Court Master