

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

CONTEMPT PETITION (C) NOS. 721-723/2017

IN

CIVIL APPEAL NOS. 10103, 10104 AND 10106 OF 2010

WITH

CONTEMPT PETITION(C) NO. 643/2017 IN C.A. NO. 10107/2010
CONTEMPT PETITION(C) NO. 94/2017 IN C.A. NO. 10108/2010
CONTEMPT PETITION(C) NO. 599/2016 IN C.A. NO. 10121/2010
CONTEMPT PETITION(C) NO. 675/2017 IN C.A. NO. 10110/2010

S.V.A. STEEL RE-ROLLING MILLS (P) LTD.
AND ANR. ETC. ETC.

PETITIONER(S)

VERSUS

S. M. VIJAYANAND I.A.S. & ORS. ETC. ETC.

RESPONDENT(S)

O R D E R

CONTEMPT PETITION (C) NOS. 721-723/2017 IN CIVIL APPEAL NOS. 10103, 10104 AND 10106 OF 2010, CONTEMPT PETITION(C) NO. 643/2017 IN C.A. NO. 10107/2010, CONTEMPT PETITION(C) NO. 94/2017 IN C.A. NO. 10108/2010, CONTEMPT PETITION(C) NO. 599/2016 IN C.A. NO. 10121/2010.

These contempt petitions are filed by the petitioners alleging that the directions contained in the order dated 06.02.2014 passed in C.A. Nos. 10103-10106/2010 have not been complied with. The aforesaid appeals of the petitioners were allowed vide judgment dated 06.02.2014 and in the last para thereof, the directions which were given read as under:

"We, therefore, hold that the benefit extended by

the respondent State is not sufficient. The respondent-State ought to have extended the period even for the days when supply of electricity was more than 50% but not 100% as assured under G.O. dated 21.05.1990 and 06.02.1992. We, therefore, direct the respondents to give the said benefit by extending the period of incentive.

We, therefore, allow the appeals by quashing and setting aside the impugned order passed by the High Court and direct the respondents to calculate the period during which 100% electricity supply was not given to the appellants and extend the period of incentive accordingly. The calculation shall be made and consequential orders shall be passed within two months from today. The appeals are allowed with no order as to costs. "

The respondent-Board has filed the reply.

Mr. R. Basant, learned senior counsel appearing on behalf of the respondent-Board, states that the benefits as directed above, have in fact been given to the petitioners. To demonstrate the same he has drawn our attention to the order passed in this behalf as well as the position, which is explained in the chart at page 159. This chart clearly specifies that the period of power cut which was more than 50% as well as that period of power cut which was less than 50%. It also mentions that the petitioners have been extended the benefit thereof which is disbursed as well. It is in the sum of Rs.92,24,617/- and Rs. 44,20,931/- respectively.

Learned senior counsel for the petitioners does not deny that the period has been extended in the manner mentioned in the said chart. However, his grievance is that even after extending the period, the benefit thereof is not given on the basis of pre-1992 tariff but was given on the basis of post-1992 tariff.

We find that the petitioners had filed a writ petition in the High Court laying the challenge precisely on the aforesaid basis. The learned Single Judge of the High Court passed the judgment dated 20.09.2016 in this behalf and the matter was taken up before the Division Bench and even the Division Bench has decided the matter. The said Division Bench has also passed an order in favour of the petitioners. Since the issues have been decided by the High Court, no further orders are required in these petitions. The contempt petitions are dismissed accordingly.

CONTEMPT PETITION(C) No. 675/2017 In C.A. No. 10110/2010

Since the petitioner/company has gone into liquidation, this contempt petition is disposed of as infrutuous. Learned counsel for the petitioner(s), however, submits that instead of giving electricity at a cheaper rate the petitioner(s) should be compensated. However, such a plea cannot be considered in a contempt petition.

.....J.
[A.K. SIKRI]

.....J.
[ASHOK BHUSHAN]

NEW DELHI;
MARCH 19, 2018

ITEM NO.4

COURT NO.6

SECTION XI-A

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) No. 721-723/2017 In C.A. No. 10103-10106/2010

S.V.A. STEEL RE-ROLLING MILLS (P) LTD.
AND ANR. ETC. ETC.

Petitioner(s)

VERSUS

S. M. VIJAYANAND I.A.S. & ORS.

Respondent(s)

(CONTEMPT PETITION (CIVIL) NOS. 721-723 OF 2017 IN CIVIL APPEAL
NOS. 10103, 10104 AND 10106 OF 2010 OUT OF CIVIL APPEAL NOS.
10103-10106 OF 2010.)

WITH

CONMT.PET.(C) No. 643/2017 In C.A. No. 10107/2010 (XI-A)
CONMT.PET.(C) No. 94/2017 In C.A. No. 10108/2010 (XI-A)
CONMT.PET.(C) No. 675/2017 In C.A. No. 10110/2010 (XI-A)
CONMT.PET.(C) No. 599/2016 In C.A. No. 10121/2010 (XI-A)
(FOR PERMISSION TO FILE [INTERVENTION] ON IA 5215/2017)

Date : 19-03-2018 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE A.K. SIKRI
HON'BLE MR. JUSTICE ASHOK BHUSHAN

For Petitioner(s) Mr. Kailas Nath Pillai, Sr. Adv.
Mr. Manoj V. George, Adv.
Mr. Zulfiker Ali P. S, AOR
Ms. Shilpa Liza George, Adv.

Mr. K.P. Kylasanatha Pillay, Sr. Adv.
Mr. Sajith. P, AOR

For Respondent(s) Mr. R. Basant, Sr. Adv.
Ms. Liz Mathew, AOR
Mr. Raghenth Bsant, Adv.
Mr. Badusha S., Adv.
Mr. G. Prakash, Adv.

Mr. Senthil Jagadeesan, AOR

Mr. G. Prakash, Adv.
Mr. Jishnu M.L., Adv.
Ms. Priyanka Prakash, Adv.
Ms. Beena Prakash, Adv.

Mr. Vijay Shankar V.L., Adv.

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

Contempt Petition (C) Nos. 721-723/2017 n Civil Appeal Nos. 10103, 10104 and 10106 Of 2010, Contempt Petition(C) No. 643/2017 in C.A. No. 10107/2010, Contempt Petition(C) No. 94/2017 in C.A. No. 10108/2010, Contempt Petition(C) No. 599/2016 in C.A. No. 10121/2010.

The contempt petitions are dismissed in terms of the signed order.

Pending application(s), if any, stands disposed of accordingly.

Contempt Petition(C) No. 675/2017 in C.A. No. 10110/2010

The contempt petition is disposed of in terms of the signed order.

The Special Leave Petition is dismissed.

Pending application(s), if any, stands disposed of accordingly.

(ASHWANI THAKUR)
COURT MASTER (SH)

(MALA KUMARI SHARMA)
COURT MASTER

(Signed order is placed on the file)