

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 8383 of 2017

[@ Special Leave to Appeal (C) No(s). 8874/2014]

THE WESTERN COALFIELDS LTD. AND ORS. Appellant(s)

VERSUS

M/S PLR PROJECTS PVT. LTD. AND ANR. Respondent(s)

O R D E R

Leave granted.

We have heard learned counsel for the parties and find that by the impugned judgment and order, the letter dated 26.02.2013 encashing the bank guarantee has been set aside by the High Court. The consequence of this is that the amount that has been received by the appellants on the encashment of the bank guarantee is required to be refunded to the respondents. However, by order dated 15.04.2014, this Court had stayed refund of the amount until further orders.

On a perusal of the judgment and order, we find that the applicability of National Coal Wage Agreement VIII (for short 'Agreement') dated 24.01.2009 has not been considered by the High Court. According to learned counsel for the appellants, the Agreement is of considerable importance and the issue is whether the amounts required to be paid to the workmen should be in terms of Payment of Wages Act or the Agreement.

Since the High Court has not considered the applicability or otherwise of the Agreement, we set aside the judgment and

order passed by the High Court and remand the matter to the High Court to consider the applicability of the Agreement.

The civil appeal is disposed of. However, we make it clear that we have not expressed any opinion on any of the conclusions arrived at by the High Court. We also make it clear that since the interim order passed by this Court has been in operation since 15.04.2014, the said order will continue for a period of six months from today.

We request the High Court to expedite the disposal of the matter since the issue involved is rather narrow.

.....J.
[MADAN B. LOKUR]

.....J.
[DEEPAK GUPTA]

NEW DELHI;
JULY 3, 2017.

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). 8874/2014

(Arising out of impugned final judgment and order dated 06-12-2013
in WP No. 1183/2013 passed by the High court of Bombay at Nagpur)

THE WESTERN COALFIELDS LTD. AND ORS.

Petitioner(s)

VERSUS

M/S PLR PROJECTS PVT. LTD. AND ANR.

Respondent(s)

Date : 03-07-2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE DEEPAK GUPTA

For Petitioner(s)

Mr. Ajit Kr. Sinha, Sr. Adv.
Mr. Ambhoj Kumar Sinha, AOR

For Respondent(s)

Mr. P.P. Rao, Sr. Adv.
Mr. G.N. Reddy, Adv.

Mr. Chander Shekhar Ashri, AOR

UPON hearing the counsel the Court made the following

O R D E R

Leave granted.

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

(MEENAKSHI KOHLI)
COURT MASTER(SHARDA KAPOOR)
ASSISTANT REGISTRAR

[Signed order is placed on the file]