ITEM NOS.MM-1B-D COURT NO.1 SECTION XVII

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

CIVIL APPEAL NO.8093 OF 2011

M/S ADHUNIK METALIKS LTD. Appellant (s)

VERSUS

ORISSA ELECT.REGL.COMMN.& ANR. Respondent(s)

(With appln(s) for ex-parte stay)

With Civil Appeal No.....D28345/2011
(With appln.(s) for permission to file appeal, c/delay in filing appeal, ex-parte stay and exemption from filing certified copy of the impugned order)

Civil Appeal No.8135 of 2011
(With appln.(s) for ex-parte stay and exemption from filing c/c of the impugned judgement)

Date: 30/09/2011 These Appeals were mentioned today.

CORAM :
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE J.M. PANCHAL
HON'BLE MR. JUSTICE K.S. RADHAKRISHNAN

For Appellant(s) Mr. H.N. Salve,Sr.Adv.
Mr. R.M. Patnaik,Adv.
Mr. Dillip Das,Adv.
Mr. V.K. Sidharthan,Adv.

For Respondent(s) Mr. T.R. Andhyarujina,Sr.Adv.
Mr. Raj Kumar Mehta,Adv.
Mr. David A.,Adv.
Mr. Antaryami Upadhyay,Adv.

...2/-

Mr. S. Ganesh,Sr.Adv.
Mr. Buddy A. Ranganadhan,Adv.
Mr. Shiv K. Suri,Adv.
Mr. Hasan Murtaza,Adv.

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

Civil Appeal No.8093 of 2011:

Taken on Board.

By consent, the matter is taken up for hearing.

Heard learned counsel on both sides.

The civil appeal is disposed of.

No order as to costs.

Civil Appeal No.....D28345/2011 and Civil Appeal No.8135 of 2011:

No orders, for the present.

Place these appeals after disposal of the case by the Regulatory Commission, as indicated in Civil Appeal No.8093 of 2011.

[T.I. Rajput]
A.R.-cum-P.S.

[Madhu Saxena]
Assistant Registrar

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.8093 OF 2011

M/s. Adhunik Metaliks Limited ...Appellant(s)

Versus

Orissa Electricity Regulatory Commission & Anr. ...Respondent(s)

O R D E R

Taken on Board.

By consent, the matter is taken up for hearing.

Heard learned counsel on both sides.

We see no reason to interfere with the impugned order passed by the Tribunal, save and except - we give four weeks' time to the appellant to pay the amount under Notice dated 16th September, 2011. Respondent No.2 will not take any steps for a period of four weeks.

We hope that the Regulatory Commission would be in a position to dispose of the case remitted to it by November 30, 2011. If, for any reason, the matter could not be disposed of by November 30, 2011, liberty is given to the parties to move this Court for grant of further period.

We make it clear that, in the event of Regulatory Commission coming to the conclusion that there are parties, who are affected in the matter of fixation of tariff, on remand, it may consider giving notice to all the affected parties in it's own discretion.

The civil appeal, accordingly, stands disposed of.

No order as to costs.

.....CJI.
[S.H. KAPADIA]

.....J.
[J.M. PANCHAL]

.....J.
[K.S. RADHAKRISHNAN]

New Delhi,
September 30, 2011.