

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 4444 OF 2013
(@ SPECIAL LEAVE PETITION (CIVIL) NO.17530 OF 2013
@ CC No.9343/2013)

THE EXECUTIVE ENGINEER-II,
ELECTRICITY DEPT.
GOVT. OF PUDUCHERRY & ORS.ETC.

APPELLANTS

VERSUS

M/S.SRI KANAKADURGA CASTINGS (P) LTD.

RESPONDENT

O R D E R

1. Delay condoned.

2. Leave granted.

3. This appeal is directed against the interim order passed by the High Court of Judicature at Madras in M.P.No.2 of 2013 in Writ Appeal No.15 of 2013, dated 08.01.2013 and the order passed in Contempt Petition No.555 of 2013, dated 03.04.2013.

4. By order dated 08.01.2013, the High Court by way of interim directions, directed the Electricity Department - Respondents therein to restore the electricity service connection to M/s Sri Kanka Durga Castings (P) Ltd. - Appellant therein on payment of reconnection charges.

5. Since the respondents therein had not complied with the interim direction so issued, the respondent herein had filed a Contempt Petition before the High Court bearing Contempt Petition

No.555 of 2013. The High Court, by its Order dated 03.04.2013 has directed the respondents therein to restore the electricity service connection to the appellant therein on depositing the admitted amount of Rs.18,89,244/- within a period of four weeks' from the date of the order.

6. Being aggrieved by the said Order, the respondents in the Writ Appeal are before us in the present petition.

7. We have heard Shri G.E.Vahanvati, learned Attorney General appearing for the appellants and Shri L. Nageswara Rao, learned senior counsel appearing for the respondent-industry.

8. According to the learned Attorney General, the assessed amount of the electrical charges is a sum of Rs.28,54,63,320/-. This amount is outstanding and payable by the respondent-industry. In a case of this nature, the High Court was not justified in directing the appellants herein to restore the electrical connection on payment of a paltry sum of Rs.18,89,244/-, which is the amount said to be admitted by the respondent-industry.

9. On the last date of hearing, we had informed Shri Nageswara Rao, learned senior counsel for the respondent that, if the respondent-industry is prepared to pay the aforesaid assessed amount as stated by learned Attorney General, according to whom, the respondent-industry is liable to pay the entire amount of assessed liability. Shri Rao, learned senior counsel would submit that the respondent-industry is not in a position to pay any amount beyond a sum of Rupees Three Crores.

10. Keeping in view the assessed amount and the offer made by Shri Rao, in our opinion, it may not be just and proper to direct the appellants herein to restore the electrical connection to the respondent-industry.

11. In view of the above, while setting aside the impugned order(s) passed by the High Court in M.P.No.2 of 2013 in Writ Appeal No.15 of 2013, dated 08.01.2013 and in Contempt Petition No.555 of 2013, dated 03.04.2013, we request the High Court to consider the appeal filed by the appellant herein on merits and in accordance with law as expeditiously as possible, at any rate, within six months from the date of receipt of this Order.

12. Accordingly, the Civil Appeal is disposed of. All the contentions of both the parties are kept open. No order as to costs.

Ordered accordingly.

JUDGMENT

.....J.
(H.L. DATTU)

.....J.
(JAGDISH SINGH KHEHAR)

NEW DELHI;
MAY 06, 2013.