

SUPREME COURT OF INDIA

Psg Steels Private Limited

Vs.

State of Haryana

C.A.No.1243-1244 of 1999

(Shivaraj V. Patil and A. S. Lakshmanan JJ.)

01.04.2004

JUDGMENT

Shivaraj V. Patil, J.

1. Heard learned counsel for the parties.

2. This appeal is directed against the order passed by the High Court in Civil Writ Petition No.991/97. As is evident from the judgment of the High Court, the writ petition was disposed of mainly having regard to the decision of this Court in Northern India & Iron Steel Co. Vs. State of Haryana dealing with clause 4(f) of the Schedule of Tariff reproduced in the impugned order. Before the High Court it was pointed out that the Board had supplied electricity to the industries including the appellant for 305 hours from 13.12.96 to 13.1.97, which was the billing month of the appellant. There is some controversy with regard to this aspect also. On 16.7.98, this Court passed the following order:

"Notice to issue returnable after four weeks limited to the question whether clause 4(f) of the Tariff Schedule, Annexure-P/2 was applicable at the relevant time in 1996 when the dispute arose between the parties.

Dasti service in addition is permitted."

3. After notice, the respondent Nos. 2 to 4 filed counter affidavit. On 26.10.98, this Court passed the order having looked into the rejoinder filed by the appellant. The said order reads:

"In view of the new point taken in the rejoinder in connection with the circular dated 29.12.1980 especially clause 2(vi)(a) thereof, learned counsel for the respondent is granted further opportunity to file additional counter on this aspect. Liberty also reserved to learned counsel for the petitioner to file rejoinder to the additional counter. For that purpose the matters will stand adjourned for six weeks."

4. From the orders of this Court extracted above, it appears to us that the parties have tried to

present a new case on the basis of two circulars, i.e., (i) Sales Circular 54/80 dated 29.12.80; and (ii) Sales Circular 14/81 dated 22.4.81 which were not placed before the High Court.

5. Before this Court, both the parties have filed some more documents including the circulars, other than those mentioned above. This being the situation, in our view, it is just and appropriate that the High Court re-examines the controversy in the light of the additional documents that are filed and that may be filed by the parties. Under the circumstances, we allow the appeals, set aside the impugned order and remit the writ petition to the High Court for fresh disposal on merits after taking into consideration the additional documents that may be placed by the parties, including the documents that were filed before this Court and additional affidavit, if any.

6. Having regard to the facts and circumstances of the case, we expect the High Court to dispose of the writ petition within a period of four months from the date of receipt of the copy of this order. All the contentions of the parties are left open to be urged before the High Court.

No costs.

7. Ms. Indu Malhotra, learned counsel for the appellant started her arguments at 12.50 p.m. and concluded at 2.30 p.m. After that, Mr. Ranjit Kumar, learned Senior counsel for the respondents made his submissions in reply till 2.50 p.m.

8. The appeals are allowed with no costs in terms of the signed order.