

ITEM NO.53
(Part-heard)

COURT NO.5

SECTION XVII

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

MISCELLANEOUS APPLICATION Diary No(s). 21994/2022

(Arising out of impugned final judgment and order dated 31-08-2020 in C.A. No. 8625/2019 passed by the Supreme Court Of India)

JAIPUR VIDYUT VITRAN NIGAM LTD.

Appellant(s)

VERSUS

ADANI POWER RAJASTHAN LTD.

Respondent(s)

IA No. 98124/2022 - CLARIFICATION/DIRECTION

IA No. 108617/2022 - CONDONATION OF DELAY IN FILING

Date : 14-12-2022 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE M.R. SHAH
HON'BLE MR. JUSTICE C.T. RAVIKUMAR

For Appellant(s) Mr. Jayant K. Sud, ASG
Mr. Kartik Seth, Adv.
Mrs. Shriya Gilhotra, Adv.
Ms. Riya Dhingra, Adv.
For M/s. Chambers Of Kartik Seth, AOR

For Respondent(s) Dr. A.M. Singhvi, Sr. Adv.
Mr. Mahesh Agarwal, Adv.
Mr. Amit Kapur, Adv.
Ms. Poonam Sen Gupta, Adv.
Mr. Arshit Anand, Adv.
Mr. Nishant Rao, Adv.
Mr. Shashwat Singh, Adv.
Ms. Sakshi Kapoor, Adv.
Mr. Saunak Rajguru, Adv.
Mr. E. C. Agrawala, AOR

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

Heard in part.

Having heard learned counsel appearing for the respective parties at length, we are *prima facie* of the opinion that the applicant may be entitled to Late Payment Surcharge as per Article 8.3.5 of PPA at least from 31.08.2020 till the actual payment was

made, pursuant to the order passed by this Court in the contempt proceedings. If that is considered, we are of the opinion that it may be in the larger public interest and the original appellant - Jaipur Vidyut Vitran Nigam Ltd. may avoid further litigation with respect to Late Payment Surcharge from 2013 onwards till 31.08.2020 over and above the 9% already paid, pursuant to the earlier judgment and order passed by this Court in the main Civil Appeal.

Mr. Jayant Sud, learned ASG, appearing for the appellant prays for sometime to get the further instruction.

Put up on 06.01.2023.

(R. NATARAJAN)
ASTT. REGISTRAR-cum-PS

(NISHA TRIPATHI)
ASSISTANT REGISTRAR