

ITEM NO.39

COURT NO.7

SECTION III

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).  
21121-21123/2014

(Arising out of impugned final judgment and order dated  
01/08/2014 in DBCWP No. 3243/2014, 01/08/2014 in DBCWP No.  
3236/2014, 01/08/2014 in DBCWP No. 3233/2014 passed by the High  
Court Of Rajasthan At Jodhpur)

M/S AMBUJA CEMENTS LIMITED

Petitioner(s)

VERSUS

STATE OF RAJASTHAN & ORS. Respondent(s)  
(with prayer for interim relief and office report)

Date : 14/08/2014 These petitions were called on for hearing  
today.

CORAM :

HON'BLE MR. JUSTICE JAGDISH SINGH KHEHAR  
HON'BLE MR. JUSTICE ARUN MISHRA

For Petitioner(s)      Mr.      Soli J. Sorabjee, Sr. Adv.  
                                 Mr.      S. Ganesh, Sr. Adv.  
                                 Mr.      U.A. Rana, Adv.  
                                 Ms.      Mrinal Elkar Mazumdar, Adv.  
                                 Ms.      Mehernaz, Adv.  
                                 for      M/s Gagrath & Co.

For Respondent(s)      Mr.      Puneet Jain, Adv.  
                                 Ms.      Christi Jain, Adv.  
                                 Ms.      Khushbu Jain, Adv.  
                                 Mr.      Abhinav Gupta, Adv.  
                                 for      Ms. Pratibha Jain, AOR(NP)

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

Signature Not Verified

Digitally signed by      Learned counsel for the respondents acknowledges, that

the counsel for the respondents had not appeared for arguing the  
Parveen Kumar Chawla  
Date: 2014.08.19  
17:19:39 IST  
Reason:

matter before the High Court on 1.8.2014.      It is therefore, that  
the departmental representative had entered appearance and had

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opposed the continuation of the interim order passed in favour

of the petitioners before the High Court.

We are extremely

dissatisfied with the behavior of the representative of the

respondents, who opposed the continuation of the interim order passed by the High Court.

The interim order, under reference, was passed on 25.06.2014, which was extended from time to time.

The same interim order operated in a large number of similar petitions which were pending for consideration before the High Court. Only on account of opposition of the department representative, the interim order granted by the High Court was vacated, by the impugned order dated 1.8.2014.

No justifiable explanation has been tendered to this Court despite an opportunity extended by us to the respondents to do so, by our order dated 7.8.2014.

During the course of hearing, learned counsel for the respondents made extensive efforts to persuade us, to excuse the respondents for the instant lapse. He also tendered an unqualified apology on behalf of the respondents.

Having given out thoughtful consideration to the issue in hand, we are satisfied that it is only the behavior of the department representative, as is borne from the proceedings recorded by the High Court on 1.8.2014, that unnecessary litigation came to be generated, and the petitioner had to approach this Court requiring us to extend the interim order, which had been passed in its favour. We had to do so by our order dated 7.8.2014. Not only precious time of this Court came

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to be wasted, but unnecessary expense had to be shouldered, not only by the petitioner who approached this Court, but even the State Government, who entered appearance, and has had to file a detailed affidavit.

So as to ensure that such behavior is not repeated in future, we consider it just and appropriate to impose cost quantified as Rs.10,000/- (ten thousand only) on the respondents. Ordered accordingly. The aforesaid cost shall be paid by the respondents to the Rajasthan Legal Services Authority, within four weeks from today, and submit a proof thereof in the Registry of this Court. The interim order passed

by us shall continue till the next date of hearing before the

High Court, i.e., 27.08.2014.

The High Court shall determine

the course to be adopted thereafter, in accordance with law.

If

proof of payment of the aforesaid cost is not furnished within

the time granted, the Registry is directed to again list the

matter for recovery of the cost.

The special leave petitions are disposed of with the  
above directions.

(Parveen Kr. Chawla)  
Court Master

(Phoolan Wati Arora)  
Assistant Registrar