

HIGH COURT OF MADHYA PRADESH : JABALPUR

FULL BENCH - I (Time 10:30 AM)

Daily Cause List dated : 14-11-2019

BEFORE: HON'BLE SHRI JUSTICE SUJOY PAUL & HON'BLE SHRI JUSTICE SUBODH ABHYANKAR & HON'BLE SHRI JUSTICE SANJAY DWIVEDI

Court Room No.: 12

Note:- CASES FOR FINAL HEARING SHALL BE TAKEN UP BY ALL THE BENCHES IMMEDIATELY AFTER COMPLETION OF MOTION HEARING EVERYDAY. LAWYERS ARE REQUESTED TO GIVE LIST OF BOOKS TO READER IN ADVANCE.

NOTE : The facility of PoS (Point of Sale) machine for making online court fee is available at Presentation Centre of High Court of M.P., Jabalpur.

MOTION HEARING

[FRESH (FOR ADMISSION) - CIVIL CASES]

SN	Case No	Petitioner / Respondent	Petitioner/Respondent Advocate
1	WA 00202/2012	M/S VANDEY MATRAM GITTI NIRMAN Versus MADHYA PRADESH POORV KSHETRA VIDYUT VITARM CO. LTD.	ASHOK AGRAWAL, YOGENDRA PATEL ADVOCATE GENERAL, ,P.N.VERMA(R1 TO 3), MUKESH KUMAR AGRAWAL, PREM NARAYAN VERMA ELECTRICITY-12900 - M.P. Electricity Duty Act, 1949-12920 - M.P. Electricity Duty Act, 1949-12920 Relief - FOR SETTING ASIDE THE IMPUGNED ORDER {Fixed Date/SPC} MATTER IS REFERRED TO A LARGER BENCH FOR CONSIDERATION AND DECISION ON THE FOLLOWING ISSUES:- (I) WHETHER THE RATE OF ELECTRICITY DUTY, APPLICABLE TO MINES, CAN BE APPLIED AND ENFORCED UPON STONE CRUSHING UNITS THAT ARE NOT SITUATED IN AND ADJACENT TO A MINE? W.A. NO.202/2012 AND CONNECTED MATTERS - 16 - (II) WHETHER THE ELECTRICITY DUTY APPLICABLE TO MINES CAN BE IMPOSED UPON ONLY THOSE STONE CRUSHING UNITS THAT ARE ALSO INDULGING IN MINING ACTIVITIES? (III) WHETHER THE OBSERVATIONS MADE BY THE DIVISION BENCH OF THIS COURT IN THE CASE OF L.P.A. NO. 247/1998 (M/S. VASTU VS. M.P. ELECTRICITY BOARD AND OTHERS) OR THE DECISION RENDERED IN THE CASE OF STATE OF MADHYA PRADESH VS. M/S STUTI AND OTHERS, (W.A. NO.140/2011) LAYS DOWN THE CORRECT LAW? (IV) ANY OTHER ISSUE ARISING OUT OF THE DISPUTE RELATING TO DETERMINATION OF THE RATE OF ELECTRICITY DUTY TO BE IMPOSED UPON THE STONE CRUSHING UNITS. [ADMITTED ON : 21-08-2014]
1.1	WA 00237/2012	RAJENDRA GRANITE CHANDRAPURA Versus MADHYA PRADESH EAST ZONE ELECTRICITY DISTRIBUTION COMPANY LTD	SURESH KUMAR NAYAK, RAJESH PATEL SHRI M.K. AGRAWAL ELECTRICITY-12900 - Electricity Supply Act,1948-12902 - Electricity Supply Act,1948-12902 Relief - FOR SETTING ASIDE THE IMPUGNED ORDER {Fixed Date/SPC} [ADMITTED ON : 21-08-2014]
1.2	WA 00247/2012	M/S KRISHNA MINERALS & INDUSTRIES NEW INDUSTRIAL AREA Versus MADHYA PRADESH POORVA KSHETRA VIDYUT VITRAN CO. LTD.	ANOOP SAXENA, ALPANA SAXENA, CHHOTI KUSRAM ADVOCATE GENERAL, SHRI MUKESH AGRAWAL ELECTRICITY-12900 - Electricity Act,1910-12901 - Electricity Act,1910-12901 Relief - FOR SETTING ASIDE THE IMPUGNED ORDER {Fixed Date/SPC} [ADMITTED ON : 21-08-2014]
1.3	WA 00249/2012	M/S BUNDELKHAN ASSOCIATES, DONGA, Versus MADHYA PRADESH POORAVA KSHETRA VIDYUT VITRAN CO. LTD.	ANOOP SAXENA, ALPANA SAXENA, CHHOTI KUSRAM ADVOCATE GENERAL, MUKESH AGRAWAL ELECTRICITY-12900 - Electricity Act,1910-12901 - Electricity Act,1910-12901 Relief - FOR SETTING ASIDE THE IMPUGNED ORDER {Fixed Date/SPC} [ADMITTED ON : 21-08-2014]
1.4	WA 00250/2012	M/S SHARDA MINERALS AND INDUSTRIES DONGA Versus MADHYA PRADESH POORVA KSHETRA VIDYUT VITRAN CO.LTD.	ANOOP SAXENA, ALPANA SAXENA, CHHOTI KUSRAM SHRI M.K. AGRAWAL ELECTRICITY-12900 - Electricity Act,1910-12901 - Electricity Act,1910-12901 Relief - FOR SETTING ASIDE THE IMPUGNED ORDER {Fixed Date/SPC} [ADMITTED ON : 21-08-2014]

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BEFORE: HON'BLE SHRI JUSTICE SUJOY PAUL & HON'BLE SHRI JUSTICE SUBODH ABHYANKAR & HON'BLE SHRI JUSTICE SANJAY DWIVEDI

1.5 **Connected** M/S FAIR DEA MINERALS KARI ROAD ANOOP SAXENA, ALPANA SAXENA, CHHOTI KUSRAM
WA 00252/2012 ALAMPURA

Versus

MADHYA PRADESH POORVA KSHETRA ADVOCATE GENERAL, M.K. AGRAWAL
VIDYUT VITRAN CO.LTD.

ELECTRICITY-12900 - Electricity Act,1910-12901 - Electricity Act,1910-12901

Relief - FOR SETTING ASIDE THE IMPUGNED ORDER

{Fixed Date/SPC} [ADMITTED ON : 21-08-2014]

1.6 **Connected** SHRADDHA STONE CRUSHER RAJESH UPADHYAY, P.K.SAHU, SANTOSH YADAV, ANUJ
WA 00257/2012 AGRAWAL

Versus

MADHYA PRADESH POORVA KSHETRA M.K.AGRAWAL
VIDYUT VITRAN CO. LTD.

ELECTRICITY-12900 - Electricity Act,1910-12901 - Electricity Act,1910-12901

Relief - FOR SETTING ASIDE THE IMPUGNED ORDER

{Fixed Date/SPC} [ADMITTED ON : 21-08-2014]

1.7 **Connected** M/S PALI STONE CRUSHER RAJESH UPADHYAY, P.K.SAHU, SANTOSH YADAV, ANUJ
WA 00258/2012 AGRAWAL

Versus

MADHYA PRADESH POORVA KSHETRA M.K.AGRAWAL, , ADVOCATE GENERAL
VIDYUT VITRAN COMPANY LIMITED

ELECTRICITY-12900 - Electricity Act,1910-12901 - Electricity Act,1910-12901

Relief - FOR SETTING ASIDE THE IMPUGNED ORDER.

{Fixed Date/SPC} [ADMITTED ON : 21-08-2014]

1.8 **Connected** AKHIL KUMAR JAISWAL RAJESH UPADHYAY, P.K.SAHU, SANTOSH YADAV, ANUJ
WA 00259/2012 AGRAWAL

Versus

MADHYA PRADESH POORVA KSHETRA ADVOCATE GENERAL, M.K.AGRAWAL
VIDYUT VITRAN COM. LTD.

ELECTRICITY-12900 - Electricity Act,1910-12901 - Electricity Act,1910-12901

Relief - FOR SETTING ASIDE THE IMPUGNED ORDER.

{Fixed Date/SPC} [ADMITTED ON : 21-08-2014]

1.9 **Connected** GHAI STONE CRUSHER RAJESH UPADHYAY, P.K.SAHU, SANTOSH YADAV, ANUJ
WA 00260/2012 AGRAWAL

Versus

MADHYA PRADESH POORVA KSHETRA M.K.AGRAWAL (1-3), ADVOCATE GENERAL
VIDYUT VITRAN COMPANY LIMITED

ELECTRICITY-12900 - Electricity Act,1910-12901 - Electricity Act,1910-12901

Relief - FOR SETTING ASIDE THE IMPUGNED ORDER.

{Fixed Date/SPC} [ADMITTED ON : 21-08-2014]

1.10 **Connected** PRATHIHAR STONE CRUSHER RAJESH UPADHYAY, P.K.SAHU, SANTOSH YADAV, ANUJ
WA 00261/2012 AGRAWAL

Versus

MADHYA PRADESH POORVA KSHETRA ADVOCATE GENERAL, M.K. AGRAWAL
VIDYUT VITRAN CO. LTD.

ELECTRICITY-12900 - Electricity Act,1910-12901 - Electricity Act,1910-12901

Relief - FOR SETTING ASIDE THE IMPUGNED ORDER

{Fixed Date/SPC} [ADMITTED ON : 21-08-2014]

1.11 **Connected** M/S. EASTERN MINERALS ASHOK AGRAWAL, YOGENDRA PATEL
WA 00278/2012

Versus

MADHYA PRADESH POORVA KSHETRA M.K. AGRAWAL, VIJAY PANDEY
VIDYUT VIT.CO. LTD.

ELECTRICITY-12900 - M.P. Electricity Duty Act, 1949-12920 - M.P. Electricity Duty Act, 1949-12920

Relief - FOR SETTING ASIDE THE IMPUGNED ORDER

{Fixed Date/SPC} [ADMITTED ON : 21-08-2014]

1.12 **Connected** M/S GURU ARJUN MINERALS SATYA PRAKASH MISHRA, V.S. MISHRA
WA 00313/2012

Versus

THE STATE OF MADHYA PRADESH ADVOCATE GENERAL, MUKESH KUMAR AGRAWAL (4)

ELECTRICITY-12900 - Electricity Act,1910-12901 - Electricity Act,1910-12901

Relief - FOR SETTING ASIDE THE IMPUGNED ORDER

{Fixed Date/SPC} [ADMITTED ON : 21-08-2014]

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BEFORE: HON'BLE SHRI JUSTICE SUJOY PAUL & HON'BLE SHRI JUSTICE SUBODH ABHYANKAR & HON'BLE SHRI JUSTICE SANJAY DWIVEDI

1.13	Connected WA 00321/2012	SHREE RAM STONE CRUSHER	ASHOK AGRAWAL, YOGENDRA PATEL
		Versus	
		MADHYA PRADESH POORVA KSHETRA M.K. AGRAWAL , ADVOCATE GENERAL VIDYUT VITRAN CO. LTD.	
		ELECTRICITY-12900 - Electricity Act,1910-12901 - Electricity Act,1910-12901 Relief - FOR SETTING ASIDE THE IMPUGNED ORDER {Fixed Date/SPC} [ADMITTED ON : 21-08-2014]	
1.14	Connected WA 00344/2012	M/S JAI BAJRANG GRAMOUDYOG	ASHOK AGRAWAL, YOGENDRA PATEL
		Versus	
		MADHYA PRADESH POORVE KSHETRA ADVOCATE GENERAL, M.K. AGRAWAL VIDYUT VITRAN CO. LIMITED	
		ELECTRICITY-12900 - M.P. Electricity Duty Act, 1949-12920 - M.P. Electricity Duty Act, 1949-12920 Relief - SET ASIDE {Fixed Date/SPC} [ADMITTED ON : 21-08-2014]	
1.15	Connected WA 00345/2012	JAI JAGDAMBAY STONE	ASHOK AGRAWAL, YOGENDRA PATEL
		Versus	
		MADHYA PRADESH POORVE KSHETRA ADVOCATE GENERAL, M.K. AGRAWAL VIDYUT VITRAN CO. LIMITED	
		ELECTRICITY-12900 - Electricity Supply Act,1948-12902 - Electricity Supply Act,1948-12902 Relief - SET ASIDE {Fixed Date/SPC} [ADMITTED ON : 21-08-2014]	
1.16	Connected WA 00346/2012	BALAJI STONE CRUSHER	ASHOK AGRAWAL, YOGENDRA PATEL
		Versus	
		MADHYA PRADESH POORVA KSHETRA ADVOCATE GENERAL, M.K. AGRAWAL VIDYUT VITRAN CO. LIMITED	
		ELECTRICITY-12900 - M.P. Electricity Duty Act, 1949-12920 - M.P. Electricity Duty Act, 1949-12920 Relief - FOR SETTING ASIDE THE IMPUGNED ORDER {Fixed Date/SPC} [ADMITTED ON : 21-08-2014]	
1.17	Connected WA 00347/2012	JAI HANUMAN STONE CRUSHER	ASHOK AGRAWAL, YOGENDRA PATEL
		Versus	
		MADHYA PRADESH POORVA KSHETRA M.K. AGRAWAL , ADVOCATE GENERAL VIDYUT VITRAN CO. LTD.	
		ELECTRICITY-12900 - M.P. Electricity Duty Act, 1949-12920 - M.P. Electricity Duty Act, 1949-12920 Relief - FOR SETTING ASIDE THE IMPUGNED ORDER {Fixed Date/SPC} [ADMITTED ON : 21-08-2014]	
1.18	Connected WA 00348/2012	M/S RADHEY RADHEY GRANITE	ASHOK AGRAWAL, YOGENDRA PATEL
		Versus	
		MADHYA PRADESH POORVE KSHETRA ADVOCATE GENERAL, M.K. AGRAWAL, VIDYUT VITRAN CO. LIMITED	
		ELECTRICITY-12900 - M.P. Electricity Duty Act, 1949-12920 - M.P. Electricity Duty Act, 1949-12920 Relief - FOR SETTING ASIDE THE IMPUGNED ORDER {Fixed Date/SPC} [ADMITTED ON : 21-08-2014]	
1.19	Connected WA 00349/2012	RAHI GRANITE	ASHOK AGRAWAL, YOGENDRA PATEL
		Versus	
		MADHYA PRADESH POORVE KSHETRA ADVOCATE GENERAL, M.K. AGRAWAL VIDYUT VITRAN CO. LIMITED	
		ELECTRICITY-12900 - M.P. Electricity Duty Act, 1949-12920 - M.P. Electricity Duty Act, 1949-12920 Relief - FOR SETTING ASIDE THE IMPUGNED ORDER {Fixed Date/SPC} [ADMITTED ON : 21-08-2014]	
1.20	Connected WA 00477/2012	M/S MAHAMAYA STONE CRUSHER	SATYA PRAKASH MISHRA, V.S. MISHRA
		Versus	
		M.P. STATE ELECTRICITY BOARD,	, PREM NARYAN VERMA (1-4), MUKESH KUMAR AGRAWAL, MUKESH KUMAR AGRAWAL, MUKESH KUMAR AGRAWAL, MUKESH KUMAR AGRAWAL

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ELECTRICITY-12900 - ELECTRICITY-12900 - ELECTRICITY-12900
Relief - FOR SETTING ASIDE THE IMPUGNED ORDER
{Fixed Date/SPC} [ADMITTED ON : 29-04-2014]

1.21	Connected WA 00587/2012	M/S TRILOK SINGH KHANDUJA STONE CRUSHER Versus MADHYA PRADESH PURVA KSHETRA VIDYUT VITRARAN CO. LTD ELECTRICITY-12900 - M.P. Electricity Duty Act, 1949-12920 - M.P. Electricity Duty Act, 1949-12920 Relief - QUASH THE IMPUGNED ORDER {Fixed Date/SPC} [ADMITTED ON : 21-08-2014]	RATNAKAR PRASAD MISHRA, S.K.SHUKLA ADVOCATE GENERAL, M.K. AGRAWAL
1.22	Connected WA 00832/2012	M/S RAM KUNWAR CONSTRUCTIN (P) LTD. Versus THE STATE OF MADHYA PRADESH ELECTRICITY-12900 - M.P. Electricity Duty Act, 1949-12920 - M.P. Electricity Duty Act, 1949-12920 Relief - FOR SETTING ASIDE THE IMPUGNED ORDER {Fixed Date/SPC} [ADMITTED ON : 21-08-2014]	ASHOK AGRAWAL, YOGENDRA PATEL, DEVENDRA SHUKLA ADVOCATE GENERAL, M.K. AGRAWAL
1.23	Connected WA 00260/2013	ABHITAP KUMAR SHUKLA Versus CHAIRMAN CUM MANAGING DIRECTOR ELECTRICITY-12900 - Electricity Act,1910-12901 - Electricity Act,1910-12901 Relief - FOR SETTING ASIDE THE IMPUGNED ORDER {Fixed Date/SPC} [ADMITTED ON : 21-08-2014]	SATYA PRAKASH MISHRA, VIDYA SHANKAR MISHRA MUKESH AGRAWAL [1&2]
1.24	Connected WA 00261/2013	SNS [MINERALS] LIMITED PO MAIHAR Versus CHAIRMAN CUM MANAING DIRECTOR ELECTRICITY-12900 - Electricity Act,1910-12901 - Electricity Act,1910-12901 Relief - FOR SETTING ASIDE THE IMPUGNED ORDER {Fixed Date/SPC} [ADMITTED ON : 21-08-2014]	SATYA PRAKASH MISHRA, VIDYA SHANKAR MISHRA ADVOCATE GENERAL, MUKESH AGRAWAL [1TO3]
1.25	Connected WA 00262/2013	M/S BALAJI STONE CRUSHER Versus CHARIMAN CUM MANAGING DIRECTOR ELECTRICITY-12900 - M.P. Electricity Duty Act, 1949-12920 - M.P. Electricity Duty Act, 1949-12920 Relief - FOR SETTING ASIDE THE IMPUGNED ORDER {Fixed Date/SPC} [ADMITTED ON : 21-08-2014]	SATYA PRAKASH MISHRA, VIDYA SHANKAR MISHRA ADVOCATE GENERAL, MUKESH AGRAWAL [1&2]
1.26	Connected WP 00051/2014	M/S BALAJI STONE CRUSHER JAISWAL BHAWAN, J.R. BIRLA ROAD, KOLGAWAN, SATNA, Versus THE STATE OF MADHYA PRADESH ELECTRICITY-12900 - Electricity Act,1910-12901 - Electricity Act,1910-12901 Relief - FOR QUASHING THE IMPUGNED LETTER DT. 15-06-2012,18-01-2013 & 10-04-2013 P-5,P-7 & P-8. {Fixed Date/SPC} [ADMITTED ON : 21-08-2014]	RAJESH UPADHYAY, P.K. SAHU, ANUJ AGRAWAL, ANURAG DUBEY, ADVOCATE GENERAL
1.27	Connected WA 00079/2016	M/S ADARSH STONE COMPANY (CRUSHER) Versus THE STATE OF MADHYA PRADESH ELECTRICITY-12900 - M.P. Electricity Duty Act, 1949-12920 - M.P. Electricity Duty Act, 1949-12920 Relief - TO SET ASIDE THE IMPUGNED ORDER DTD. 14/04/15 {Fixed Date/SPC} ADMISSION AND FOR STAY APPLICATION ON IA 1722/2016 AND FOR [APPL.FOR ANALOGOUS HEARING] ON IA 1724/2016 [ADMITTED ON : 15-11-2016]	SATYA PRAKASH MISHRA, VIDYA SHANKAR MISHRA, GIRISH TIWARI, MADHAV SHARAN PATHAK ADVOCATE GENERAL, , ADVOCATE GENERAL[R-1], MUKESH KUMAR AGRAWAL[R-4][R-2][R-3][R-5]

TOTAL CASES : 28 (with connected matters)

PR (J) / R (J-I) / R(J-II)