

During course of hearing of MJC No. 2022/2008 as well as MJC No. 2260/2009 having connected with common cause, it has been perceived that MJC No. 2260/2009 has deliberately been filed on behalf of State to defuse the order dated 22.03.2004 passed in CWJC No. 7638/2001 because of the fact that bifurcation of State was already done in the year 2000 while the instant writ has been filed in the year 2001, matter was heard and then it was decided in the year 2004.



2. During intervening period, the State had not taken the ground that State was bifurcated and the State was not in a position to make an exact quantity of scrap available to the petitioner in accordance with tender invited in the year 1994.

3. However, at the present moment learned SC-29 has submitted that out of 1150 MT of scrap, 670 MT has already been lifted and now remains 480 MT which, petitioner be directed to lift.

4. Learned counsel for the petitioner submits that he is ready to lift 480 MT within a month, however, the places should be disclosed and further, authorities concern be informed, so that, petitioner be able to lift the remaining 480 MT of scrap without any interference.

5. Accordingly, the respondents are directed to inform the petitioner within seven days regarding the places from where remaining scrap weighing 480 MT is to be lifted and further will also disclose the authority concern to be contacted by the petitioner for the lifting of the scrap. Those authorities should be informed by the respondents to allow lifting of the scrap.

6. It is also made clear that weighing of quantity of scraps should be made in presence of authorities concern as well as petitioner/petitioner's representative who will show their

presence jointly over the document so prepared therefor.

7. List after five weeks on which date, the Respondents will file a supplementary show-cause disclosing compliance of the order.

8. MJC No. 2260/2009 is disposed of under the aforesaid terms.

9. Considering the submissions made on behalf of SC-29, the personal appearance of contemnors are hereby, waived for the time being. In case, the violation persists, then in that event, they will have their physical presence in order to compliance of the orders.

(Aditya Kumar Trivedi, J)

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