



HIGH COURT OF MADHYA PRADESH

ORDER SHEET

CASE No. 200

..... Va.

DATE OF THE ORDER	ORDER
02.09.2009	<p align="center"><u>CONTEMPT PETITION No. 558/2008</u></p> <p>This is a contempt petition filed under Article 215 of the Constitution of India by the petitioner complaining of the disobedience of the judgment and order dated 08.09.2006 passed by the Division Bench of this Court in Writ Petition No.3022/2005 in which some directions relating to rehabilitation of the displaced families of the Indra Sagar dam were given.</p> <p>When the contempt petition was taken up for hearing today, Ms. Chitraroopa Palit appearing for the petitioner submitted that in paragraph 110(i) of the judgment and order of the Division Bench in the aforesaid case, the Division Bench has directed that the adult sons and the adult unmarried daughters would be treated as separate units for grant of R&R and Special Rehabilitation Grant and other benefits provided under the policy. She submitted that this direction has not been complied with inasmuch as two hectares of land has not been provided to the family of the adult sons and the adult unmarried daughters as provided in the R&R Policy. She further submitted that Special Rehabilitation Grant has also not been provided to the adult sons and the adult unmarried daughters.</p> <p>Mr. R.N. Singh, learned Senior Advocate appearing with Mr. Arpan J. Pawar, Advocate for respondents, relying on paragraphs 5 and 7 of the reply filed on behalf of</p>



HIGH COURT OF MADHYA PRADESH

ORDER SHEET

CASE No. Writ Pet. No. 578/2008

(2)

DATE OF THE ORDER

ORDER

respondent No.1, on the other hand, submitted that there is no provision in the R&R Policy to give any land to the adult sons and the adult unmarried daughters. He also submitted that Special Rehabilitation Grant to the adult sons and adult unmarried daughters is not covered by the R&R Policy and it is admissible only to those project affected families from whom agriculture land is acquired. He submitted that the computation of Special Rehabilitation Grant is also based on the area of land and the rate of the land in the nearest command area as would be clear from the order dated 08.09.2006 of the Narmada Valley Development Authority, Government of Madhya Pradesh. He further submitted that though the State of Madhya Pradesh has not challenged the judgment and order of the Division Bench in Writ Petition No.3022/2005 dated 08.09.2006 before the Supreme Court, the petitioner has challenged the said judgment and order before the Supreme Court. Finally he submitted that the issue whether adult sons are entitled to allotment of land separately is before the Supreme Court in the Special Leave Petition filed by the State against the subsequent judgment of another Division Bench of this Court in the case of Omkareshwar Dam Project and the Supreme Court is yet to decide the same.

Ms. Palit, however, submitted that the petitioner has not challenged the direction of the Division Bench of this Court in Writ Petition No.3022/2005 in the case of Indira Sagar Dam that the adult sons and the adult unmarried



MADHYA PRADESH

ORDER SHEET

CASE No. *Gen. P. No. S.F.B./2008*.....

Vs.

(3)

DATE OF THE ORDER	ORDER
	<p>daughters would be treated separately for grant of R&R and Special Rehabilitation Grant and other benefits of the Police and, hence, this direction has become final and has to be complied with by the State. She further submitted that the subsequent judgment delivered by another Division Bench in case of Omkareshwar Dam Project has been challenged by the State Government in a separate Special Leave Petition and hence the challenge before the Supreme Court does not relate to the challenge to the direction in para 110(i) of the judgment and order dated 08.09.2006 of the Division Bench in Writ Petition No.3022/2005.</p> <p>The direction in paragraph 110(i) of the judgment and order dated 08.09.2006 in Writ Petition No.3022/2005 is to the following effect :</p> <p>"(i) The adult sons and the adult unmarried daughters would be treated as separate units for grant of R&R and Special Rehabilitation Grant and other benefits provided under the policy."</p> <p>It is clear from the aforesaid direction in the aforesaid case that adult sons and adult unmarried daughters are to be treated as separate units for grant of R&R and Special Rehabilitation Grant and other benefits provided in the policy. One of the benefits of the R&R is allotment of a minimum of two hectares of land to a displaced family from whom agricultural land has been acquired. The direction of the Division Bench is also clear that adult sons and adult unmarried daughters are to be treated as separate units for</p>



HIGH COURT OF MADHYA PRADESH

ORDER SHEET

CASE No. CA.M.P. No. 5184/2008

Vs. (S)

DATE OF THE ORDER	ORDER
	<p>Special Rehabilitation Grant. The respondents cannot take a stand in this contempt proceedings that adult sons and adult unmarried daughters are not entitled to allotment of minimum of two hectares of land and to Special Rehabilitation Grant when the State has not filed any Special Leave Petition before the Supreme Court against the aforesaid direction in the judgment and order of the Division Bench in Writ Petition No.3022/2005. The respondents, therefore, will have to comply with the aforesaid directions. We grant three months time to the respondents to comply with the aforesaid directions in paragraph 110(i) of the judgment and order of the Division Bench in Writ Petition No.3022/2005.</p> <p>An affidavit has been filed on behalf of the petitioner on 16.04.2009 stating that Narmada Valley Development Department has issued an order dated 02.02.2009 allowing the filling of the Indira Sagar Reservoir up to FRL 262.13 metres. Ms. Palit submitted that a direction be given to the respondents not to fill up the Indira Sagar Reservoir up to FRL 262.13 metres.</p> <p>Mr. R.N. Singh, learned Senior Counsel for the respondents, on the other hand, submitted that no such direction can be given in a contempt petition.</p> <p>We find that the Division Bench in its judgment and order dated 08.09.2006 in Writ Petition No.3022/2005 has directed in paragraph 110(x) as follows :</p> <p>"The pondage of the dam should be raised up to 260 metres in praesenti. Be it clarified, we do</p>



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HIGH COURT OF MADHYA PRADESH

ORDER SHEET

CASE NO. Gen.P.No. 538/2008

..... Va.
(S)

DATE OF THE ORDER

ORDER

not say in regard to the height of the dam or the capacity of the reservoir. The capacity of the reservoir is 262.13 metres, but in praesenti we permit this much as certain rehabilitation packages are yet to be carried out."

it is, thus, clear that the Division Bench has permitted pondage of dam only up to 260 metres though it has taken note of the fact that capacity of the reservoir is 262.13 metres. In case the pondage of the dam is raised above 260 metres, it will be open for the petitioner to move this Court for contempt.

List this matter on 2nd December, 2009.

Sd/-
(A.K. Patnaik)
Chief Justice

Sd/-
(R/K Jaiswal)
Judge

Skc

TRUE COPY
New Copylet.
High Court of Madhya Pradesh
JABALPUR

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ITEM NO.20 & 52 COURT NO.1 SECTION IVA

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

LA.NO.1 IN 8

Petition(s) for Special Leave to Appeal (Civil). .../2009
CC 17053/2009

(From the judgement and order dated 02/09/2009 in GP No. 558/2008
of The HIGH COURT OF M.P AT JABALPUR)

STATE OF MADHYA PRADESH Petitioner(s)

VERSUS

NARMADA SACHAO ANDOLAN AND ORS. Respondent(s)

(With appln(s) for permission to file SLP and prayer for interim
relief and office report)

WITH

SLP(C) NO. ...CC 18840/2009

(With appln(s) for permission to file SLP and office report)

Date: 20/11/2009 These Petitions were called on for hearing today
CORAM :

HONBLE THE CHIEF JUSTICE

HONBLE MR. JUSTICE J.M. PANCHAL

For Petitioner(s) Mr.Mukul Rohatgi, Sr. Adv.
Mr.C.D. Singh, Adv.
Mr.Sunny Choudhary, Adv.
Mr.Aditya, Adv.
Mr.Shashank, Adv.

CC 18840/09 Mr.Ravi Shankar Prasad, Sr. Adv.
Ms.Suparna Srivastava, Adv.
Mr.Ram Swarup Sharma, Adv

For Respondent(s) Mr Sanjay Parekh, Adv.
Mr T V G. Raghavendra Srayas, Adv.
Mr Ambuj Agrawal, Adv.
For Mr. Nilhil Nayyar, Adv.
Mr. Syed Naquvi, Adv

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

Permission to file special leave petitions is granted.
Issue notice. There shall be interim stay of directions issued to respondent-State for
allotment of minimum two hectares of land to the adult sons and the adult unmarried
daughters. The other directions should be carried out. List with connected matter after
four weeks

(R.K. Dhaswan)
Court Master

(Veera Varma)
Court Master



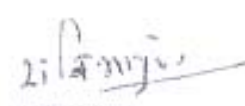



NARMADA HYDROELECTRIC DEVELOPMENT CORPORATION LTD.
(A Joint Venture of NHPC & GoMP)

INDIRA SAGAR POWER STATION
NARMADA NAGAR, KHANDWA (M.P.)

BALANCE SHEET AS AT 31st March, 2009

(Amount in Rupees)

Particulars	Sch. Ref.	Linkage to Chart of Accounts	As at 31st March 2009	As at 31st March 2008
SOURCES OF FUNDS				
A. FUND TRANSFERRED FROM C.O.	1		30,452,118,673	31,564,874,909
B. Reserves and Surplus	2		10,249,527,774	10,818,738,668
C. Loan Funds				
i) Secured Loans	3			
ii) Unsecured Loans	4			
D. Income Received In Advance on Account of Advance Against Depreciation		3701	950,489,000	
E. Deferred Tax				
Net deferred tax liabilities		3601 less 6610	-	-
Less: Deferred tax recoverable		6611	-	-
Total			41,652,115,447	42,403,611,577
APPLICATION OF FUNDS				
F. Fixed Capital Expenditure				
i) Fixed Assets				
a) Gross Block	5		42,578,411,923	41,971,716,919
Less: Depreciation			4,016,820,319	3,099,374,405
b) Net Block			38,661,591,604	38,872,344,514
ii) Capital Work In Progress	6		42,749,602	123,881,148
iii) Construction stores and Advances	7		1,223,435	868,928
G. Investments	8			
H. Current Assets, Loans and Advances				
i) Interest accrued on investments			-	-
ii) Inventories			40,302,961	25,747,216
iii) Contract Work in progress			-	-
iv) Sundry debtors			4,161,380,117	4,981,408,748
v) Cash and bank balances			5,627,709	45,534,695
vi) Other current assets			64,373,258	52,214,597
vii) Loans and advances			71,303,636	22,746,397
viii) Loans and advances			4,342,987,681	5,127,651,653
Less: Current Liabilities and Provisions	10			
i) Liabilities			603,815,584	681,923,563
ii) Provisions			792,621,291	1,396,436,875
Net Current Assets			2,946,550,806	3,406,716,987
I. Miscellaneous Expenditure (to the extent not written off or adjusted)	11			
Total			41,652,115,447	42,403,611,577
Accounting Policies	23			
Notes to the Accounts	24			
Schedule 1 to 24 form integral part of the accounts				
For M/s Multi Associates Chartered Accountants				
 R.K. GARG Partner M No 94003				
 (M. Siva Kumar) Manager (Finance)				
 (R.B. Mathur) General Manager				
				
Place Date				

NARMADA HYDROELECTRIC DEVELOPMENT CORPORATION LTD.
(A Joint Venture of NHPC & GoMP)

INDIRA SAGAR POWER STATION
NARMADA NAGAR, KHANDWA (M.P.)

PROFIT & LOSS ACCOUNT FOR THE YEAR ENDED 31st March, 2009

(Amount in Rupees)

Particulars	Linkage to Chart of Accounts	Sch. Ref.	Year ended 31st March, 2009		Year ended 31st March, 2008	
INCOME						
i) Sales						
Less: Tariff Adjustments		12	5,664,286,490		5,369,035,347	
Less: Advances against depreciation	820103					
		12A	795,129,000	4,869,169,490	-	5,369,035,347
ii) Contracts and Consultancy Income		13				
iii) Other income		14				
				904,974,632		857,964,462
Total Income				5,774,144,122		6,226,999,809
EXPENDITURE						
i) Generation Administration and Other Expenses						
ii) Employee's Remuneration and Benefits		15		261,612,766		224,499,859
iii) Depreciation		16		309,886,124		169,918,555
iv) Interest and Finance Charges		17		697,958,304		709,129,526
v) Provisions		18		1,250,709,245		1,299,785,779
vi) Contract and Consultancy Expenses		19		48,684		-
vii) Incentive to Beneficiaries		20				
	941102					
Total Expenditure				2,520,315,123		2,403,332,719
Profit before Tax and Prior period Adjustment						
iii) Prior period adjustments (net)		21		3,253,828,999		3,823,667,090
PROFIT BEFORE TAX				168,213,336		220,098,883
Provision for taxation				3,085,615,663		3,603,568,207
i) Current Tax	970501, 970503		451,447,447		407,846,229	
ii) Fringe Benefit Tax (FBT)	970504		5,055,680		4,955,096	
iii) Adjustments to relating earlier years	970501, 970509		(102,539)		(230,393)	
iv) Deferred Tax	970510					
Less: Deferred tax recoverable adjustment	970511					
PROFIT AFTER TAX				456,400,588		412,570,932
Balance brought forward from last year's account				2,629,215,075		3,190,997,275
Amount written back from Reserves						
BALANCE AVAILABLE FOR APPROPRIATION						
i) Transfer to Capital Reserve	970701					
ii) Transfer to Bond Redemption Reserve	970702					
iii) Transfer to Self Insurance Reserve	970703					
iv) Transfer to General Reserve	970704			213,392,060		209,858,595
v) Dividend:						
- Interim	970802					
- Proposed	970801					
vi) Tax on Dividend						
- Interim						
- Proposed						
	970502					
BALANCE CARRIED TO BALANCE SHEET	970705			2,415,823,015		2,981,138,680

Incidental Expenditure during Construction 22
Accounting Policies 23
Notes to the Accounts 24
Schedule 1 to 24 form integral part of the accounts



For M/s Multi Associates
Chartered Accountants
(Signature)
(CA. A.K. GARG)
Partner
M No 64003

(Signature)
(M. Siva Kumar)
Manager (Finance)

(Signature)
(R.B. Malhur)
General Manager

Place
Date

(Handwritten mark)

NARMADA HYDROELECTRIC DEVELOPMENT CORPORATION LTD.
(A JOINT VENTURE OF NHPC & GMP)

INDIRA SAGAR PROJECT
NARMADA NAGAR, KHANDWA (M.P.)

Schedule-1 Funds from Corporate Office upto 31st March, 2009

Head of account	Particulars	As at 31st March 2009		As at 31st March 2008	
		Debit	Credit	Debit	Credit
INDIRA SAGAR POWER STATION					
140101	FUNDS FROM CORPORATE OFFICE	-	33,336,908,355	-	34,688,319,685
150101	TRANSFER A/C WITH CO BHOPAL	-	5,036,323,616	-	4,405,916,036
150102	CHEQUE PAID A/C (CO)	-	415,000,000	-	350,000,000
150120	CHEQUE COLLECTED A/C - C.O. BHOPAL	6,825,568,126	-	5,969,954,334	-
150301	TRANSFER A/C WITH OSP	13,677	-	-	635,155
150401	TRANSFER A/C WITH R&R KHANDWA	-	841,887,189	-	861,891,813
	TOTAL INDIRA SAGAR POWER STATION (A)	6,825,581,803	39,630,119,160	6,969,954,334	40,306,862,689
R&R KHANDWA					
140101	FUNDS FROM CORPORATE OFFICE	1,752,033,446	-	1,502,837,507	-
150101	TRANSFER A/C WITH CO BHOPAL	208,315,647	-	182,118,687	-
152101	DEBIT/ CREDIT ADVICES FROM ISP	841,887,189	-	861,991,813	-
152201	DEBIT/ CREDIT ADVICES FROM OSP	207,182,402	-	435,085,339	-
152320	CHEQUE PAID A/C (CO)	-	657,000,000	-	1,230,000,000
	TOTAL R&R KHANDWA (B)	3,009,418,684	657,000,000	2,982,033,446	1,230,000,000
	TOTAL (A+B)	9,835,000,487	40,287,119,160	9,951,987,780	41,536,862,689
	Funds from Corporate Office	30,452,118,673			31,584,874,909

