

IN THE HIGH COURT OF JHARKHAND AT RANCHI
L. P. A. No. 199 of 2018

Kashish Distributors Private Limited,
Kolkata & another Appellants
Versus
Union of India through the Secretary, Ministry of
Defence, Govt. of India, New Delhi & others Respondents
with
L. P. A. No. 249 of 2018

Union of India through the Secretary, Ministry of
Defence, Govt. of India, New Delhi & others Appellants
Versus
Kashish Distributors Private Limited,
Kolkata & others Respondents

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE B. B. MANGALMURTI

For the Appellants : M/s S.K. Kapoor, Sr. Advocate
& Indrajit Sinha, Advocate
For the UOI : Mr. Rajiv Sinha, ASGI

Order No. 05 : Dated 29th October, 2018

I.A. No. 4332 of 2018 in L.P.A. No. 249/2018

This Interlocutory Application is for condonation of delay of 46 days in filing the appeal.

We have gone through the application for condonation of delay and find that there was sufficient cause for which the appeal could not be filed within the prescribed time.

We, accordingly, condone the delay of 46 days in filing the appeal.

I.A. No. 4332 of 2018 stands disposed of.

L. P. A. No. 249 of 2018

In this appeal, the department has pointed out certain other defects. But those defects are not substantial and Mr. Rajiv Sinha, learned ASGI, has undertaken to remove those defects.

Learned ASGI appearing for the Union of India also submits that his client is not disputing any of the facts narrated in the

judgment under appeal and the present appeal is only on the point of law. In such circumstances, we propose to hear out the appeal. Mr. Kapoor, learned Senior Advocate, assisted by Mr. Indrajit Sinha, learned Advocate accepts service of memo of appeal and undertakes to file Vakalatnama in course of day on behalf of Kashish Distributors Private Limited.

L. P. A. Nos. 199 & 249 of 2018

Both the appeals are admitted.

None of the parties wants to file counter affidavit to the statements verified by affidavit in the memorandum of appeal. Service of notice of appeal is therefore dispensed with.

Let informal paper books be filed in L.P.A. No.199 of 2018. We are not directing for filing such paper books in L.P.A. No.249 of 2018, as both the appeals are based on same set of facts.

Let both the appeals be listed on 4th December, 2018 within first five cases under the heading "For Hearing".

(Aniruddha Bose, C.J.)

(B. B. Mangalmurti, J.)

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