ÖITEM NO.26 COURT NO.10 SECTION XVI

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).29515/2010

(From the judgement and order dated 09/08/2010 in WP No. 141/2010 of The HIGH COURT OF CALCUTTA)

UNION OF INDIA Petitioner(s)

VERSUS

UTTAM CHAND NAHTA & ORS. Respondent(s)
(With prayer for interim relief and office report)

Date: 29/11/2010 This Petition was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE P. SATHASIVAM
HON'BLE DR. JUSTICE B.S. CHAUHAN

For Petitioner(s) Mr. Gopal Subramaniam,SG
Mrs.Indira Jai Singh,ASG
Mrs.Rekha Pandey,Adv.
Ms.Sonam Anand,Adv.
Ms.Sushma Suri,Adv.

For Respondent(s) Mr.Bijan Kumar Ghosh,Adv.
Mr.Surajit Samanta,Adv.
Mr.Abhishekh Sarkar,Adv.

UPON hearing counsel the Court made the following

O R D E R

After taking us through the order of the Tribunal and the impugned order of the High Court, learned Solicitor General appearing for the Union of India has brought to our notice that in similar circumstances this Court has referred the similar issue to a Larger Bench and relied on the reference order of Two Judges Bench dated 29th March, 2010:

...2/-

"In view of the apparent conflict between the decisions of this Court in Dev Dutt Vs. Union of India & Ors, 2008(8) SCC 725 on the one hand and Satya Narain Shukla Vs. Union of India 2006 (9) SCC 69 and K.M. Mishra Vs. Central Bank of India and others 2008 (9) SCC 120, these appeals are referred to a Larger Bench. Let the matter be placed before the Hon'ble the Chief Justice of India for this purpose"

It is also brought to our notice the decision of three Judges Bench reported in 2009 (16) SCC 146.

In view of the fact that the similar issue/matter has been referred to Larger Bench, we feel that this issue is also be considered by the Larger Bench. Accordingly, we order notice and post the matter along with Civil Appeal ..... of 2010 @ SLP(C)No. 15770 of 2009 etc.

Both the parties are directed to maintain status quo prevailing as on date until further orders.

Counsel of both the parties are permitted to raise

all the points before the Larger Bench.

[Madhu Bala]
Sr.PA

[Savita Sainani]
Court Master