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SLP(C)No. 4082-4084 OF 2003  
ITEM No.22Court No. 5SECTION XIA

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No.4082-4084/2003  
(From the judgement and order dated 17/09/2002 in MFA 769/92,  
CRP 2003 and 2065/92 of The HIGH COURT OF KERALA AT ERNAKULAM)

M/S. SOUTH INDIA CORPN. PVT. LTD. Petitioner (s)

VERSUS

FOOD CORPORATION OF INDIA Respondent (s)

Date : 13/03/2003 This Petition was called on for hearing today.

CORAM :HON'BLE MR. JUSTICE R.C. LAHOTI  
HON'BLE DR. JUSTICE AR. LAKSHMANAN

For Petitioner (s)  
Mr. V. Balachandran,Adv.

For Respondent (s)

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

The learned counsel for the petitioner states that the objection on the ground of 'excepted matter' was not taken by the respondent no.1 at any stage before until the matter came up in appeal before the High Court and therefore, the case will be covered by the decisions of this Court in Food Corporation of India Vs. Sreekanth Transport, 1999 (4) SCC 491 and Food Corporation of India Vs. Surendra, Devendra & Mahendra Transport Co., 2003 (1) SCALE684 and would not be covered by General Manager, Northern Railway Vs. Sarvesh Chopra, 2002 (4) SCC 45.  
Issue notice.

( P.D. Balodi )( Radha R. Bhatia )  
Court Master Court Master