

SLP(C)No. 5320 OF 2003
ITEM No.41

Court No. 5

SECTION IX
A/N MATTER

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.5320/2003

(From the judgment and order dated 05/06/2002 in AN 654/01 of The
HIGH COURT OF BOMBAY)

BOARD OF TRUSTEES OF THE PORT OF BOMBAY

Petitioner (s)

VERSUS

M/S. AKAM SHIPPING CO. PVT. LTD.

Respondent (s)

(With prayer for interim relief)

(With Appln(s). for permission to place addl. documents on record)

Date : 25/07/2003 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE N. SANTOSH HEGDE
HON'BLE MR. JUSTICE B.P. SINGH

For Petitioner (s)Mr. R.N. Trivedi, ASG.
Mr. Buddy A. Ranganadhan, Adv.

M/s J.B. Dadachanji & Co.,Adv.

For Respondent (s)

Mr. N. Ganpathy,Adv.

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

Learned Additional Solicitor General appearing for the petitioner submits that the contract in question was obtained by fraud by the respondent. He contends that the petitioner herein has produced sufficient material in this regard in the written-statement and also in the grounds in appeal. However, on perusal of the impugned judgment it does not show this point was argued before the courts below. If it is really argued before the High Court, the remedy of the petitioner is in filing a review before the High Court. The same cannot be raised in this petition, the special leave petition is dismissed.

(PAWAN KUMAR)
COURT MASTER

(PREM PRAKASH)
COURT MASTER