

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).3619/2009

(From the judgement and order dated 03/07/2007 in CA No. 393/2006 & SN No.3524/2006 of The HIGH COURT OF GUJARAT AT AHMEDABAD)

COMMISSIONER ,CE&C,VADODARA-II

Petitioner(s)

VERSUS

M/S BIRLA COPPER

Respondent(s)

(With appln(s) for c/delay in filing SLP,c/delay in refiling SLP and prayer for interim relief and office report )

(FOR FINAL DISPOSAL)

Date: 28/02/2011 This Petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE MUKUNDAKAM SHARMA  
HON'BLE MR. JUSTICE ANIL R. DAVE

For Petitioner(s)

Mr.H.P.Raval,ASG,  
Mr.Arijit Prasad,Adv.  
Mr.Rahul Kaushik,Adv.  
Mr.B.K.Prasad,Adv.  
Mr.Anando Mukherjee,Adv.  
Mr.Harsh N.Parekh,Adv.  
Mr. B.V. Balaram Das,Adv.

For Respondent(s)

Mr.V.Lakshmi Kumaran,Adv.  
Mr.Alok Yadav,Adv.  
Mr.M.P.Devanath ,Adv

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

We have heard the counsel appearing for the parties.

It is brought to our notice that this special leave petition is directed against the judgment and order dated

2

3.7.2007 passed by the Division Bench of the Gujarat High Court whereby the High Court dismissed the application seeking condonation of delay on the ground that sufficient cause had not been made out by the petitioner herein. The High Court, of course, has given reasons for arriving at the finding that the sufficient cause has not been made out.

But looking into the facts and circumstances of this case, and after hearing the counsel appearing for the parties, we feel that the delay ought to have been condoned by the High Court, in view of the fact that an important issue arises for consideration in the present matter.

We, therefore, while accepting the statement of the

counsel appearing for the parties, that an identical matter involving similar issue is pending consideration before this Court in SLP(C) No. 9715 of 2008 titled Union of India & Ors. vs. M/s.Hindustan Zinc Ltd., and that this matter could be heard on merit, pass the following order:-

Delay condoned.

Leave granted and appeal will be heard on merits.

It shall be open to the respondent herein to file its counter affidavit on merits of the case within four weeks.

Rejoinder affidavit thereto, if any, could be filed within four weeks thereafter.

This appeal shall be listed for arguments alongwith Civil Appeal No. .... arising out of SLP(C) No. 9715 of 2008.

(KUSUM SYAL)  
SR. P.A.

(RENU DIWAN)  
COURT MASTER