

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).3641/2007

(From the judgement and order dated 18/12/2006 in CMWP No. 68720/2006 of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

PT.TRIVENI SAHAI & SONS & ORS. Petitioner(s)

VERSUS

UNION OF INDIA & ORS. Respondent(s)

(With appln(s) for exemption from filing O.T. and prayer for interim relief and office report)

Date: 09/11/2009 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE HARJIT SINGH BEDI
HON'BLE MR. JUSTICE J.M. PANCHAL

For Petitioner(s) Mr. M.L.Bhat ,Sr,Adv.
Dr. Rajeev Sharma,Adv.
Ms. Asha UPadhyay,Adv.
Mr. R.D. Upadhyay,Adv.

For Respondent(s) Mr. Sudhir Chandra,Sr.Adv.
Mr. Parijat Sinha,Adv.
Mrs.Rashmi Rea Sinha,Adv.
Mr. D.Samanta,Adv.

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

Leave granted.

The appeal is disposed of.

[SUMAN WADHWA]
COURT MASTER

[VINOD KULVI]
COURT MASTER

Signed order is placed on the file.
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 7616 OF 2009
(Arising out of SLP(C)No. 3641/2007)

Pt. Triveni Sahai & Sons & Ors.

...Appellant(s)

Versus

Union of India & Ors.

...Respondent(s)

O R D E R

Leave granted.

The learned counsel for the appellants has raised several arguments on the merits of the controversy inasmuch that the allotment of the pump could not be made to a Scheduled Castes applicant as the quota of the Scheduled Castes had been exceeded. It has however been pointed out by Mr. Sudhir Chandra, the learned senior counsel for the respondents, that the quota had not been exceeded and that in any case no challenge had been levelled by the appellants to the Notification issued by the respondent-Corporation for the allotment of the petrol pump. He has also stated that the appellants who already owned one petrol pump could not be allotted another one as per rules. We find that no such issues had been raised or decided by the High Court by the impugned judgment dated 18/12/2006.

-2-

We, accordingly, set aside the judgment dated 18.12.2006 and remit the case for fresh consideration. It will be open to the parties herein to raise all pleas before the High Court. We also request the High Court to expedite the hearing of the matter as it has been pending since long.

The appeal is disposed of accordingly.

.....J.
(HARJIT SINGH BEDI)

.....J.
(J.M. PANCHAL)

New Delhi,
November 9, 2009.