

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).8503/2007

(From the judgement and order dated 26/04/2006 in LPA No.121/2005  
of The HIGH COURT OF JHARKHAND AT RANCHI)

M/S. BHARAT COKING COAL LTD.& ORS.

Petitioner(s)

VERSUS

M/S SARSWATI HARD COKE MANUFACTURERS&ORS

Respondent(s)

(With appln(s) for c/delay in filing SLP, placing additional  
facts and documents on record, prayer for interim relief and  
office report)

Date: 03/11/2008 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE P. SATHASIVAM  
HON'BLE MR. JUSTICE G.S. SINGHVI

For Petitioner(s) Mr. Anupam Lal Das,Adv.  
Mr. Ashwarya Sinha,Adv.

For Respondent(s) Mr. Mahesh Tiwari,Adv.  
Mr. Jayesh Gaurav,Adv.  
Mr. T. Mahipal,Adv.

UPON hearing counsel the Court made the following  
ORDER

Heard learned counsel for both the sides.

Permission to place additional documents and facts  
on record is granted.

Delay condoned.

Leave granted.

The civil appeal is allowed.

[ Alka Dudeja ]  
Court Master Court Master

[ Savita Sainani ]

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

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.6413 OF 2008  
(Arising out of S.L.P. (C) No.8503 of 2007)

M/s. Bharat Coking Coal Ltd. & Ors.

...Appellant(s)

Versus

O R D E R

Heard learned counsel for both the sides.  
Delay condoned.  
Leave granted.

Against the order of the High Court dated 26 th April, 2006,  
passed in L.P.A. No.121 of 2005, the appellants have moved this Court.

By the impugned order, the Division Bench of the High Court,  
by referring to letter dated 8th September, 2003, disposed of the Letters  
Patent Appeal as infructuous. It is relevant to refer to the earlier order  
of this Court dated 11th February, 2005, which reads as under:

"The appeal is allowed, the impugned order is set aside  
and the matter is remitted to the Division bench of the  
High Court to consider the LPA on merits in  
accordance with law, as expeditiously as possible,  
without being prejudiced by any observation made in  
this order."

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Though learned counsel appearing for the respondent once  
again referred to the letter dated 8th September, 2003, in view of the  
specific order passed by this Court requesting the High Court to  
consider the Letters Patent Appeal on merits and dispose of the same in  
accordance with law, we are of the view that the High Court has not  
adverted to the said direction and disposed of the appeal as infructuous  
which, according to us, is not in accordance with the order of this Court  
dated 11th February, 2005. In such circumstances, the impugned order  
of the High Court is set aside and the matter is remitted to the High  
Court with a request to consider and dispose of the Letters Patent  
Appeal on merits and in accordance with law, expeditiously.

The civil appeal is allowed in the above terms.

.....J.  
[P. SATHASIVAM]

.....J.  
[G.S. SINGHVI]

New Delhi,  
November 03, 2008.