

ITEM NO.8

COURT NO.4

SECTION XVI

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CIVIL) Diary No(s).10401/2022

(Arising out of impugned final judgment and order dated 15-03-2022 in FMA No. 79/2022 passed by the High Court at Calcutta)

ARNOB DAS & ORS.

Petitioner(s)

VERSUS

EGV ASSOCIATION OF APARTMENT OWNERS & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.53047/2022-PERMISSION TO FILE SLP and IA No.53048/2022-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 13-04-2022 This petition was called on for hearing today.

CORAM : HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE SURYA KANT

For Petitioner(s) Mr. Ranjit Kumar, Sr. Adv.
Mr. Anant Garg, Adv.
Mr. Tarun Dua, AOR

For Respondent(s) Mr. Anupam Kishore Sinha, AOR

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

- 1 Permission to file the Special Leave Petition is granted.
- 2 The High Court, by its impugned order dated 15 March 2022, has directed that the flat owners of newly constructed Tower 8 would not be included in the electoral list on the ground that there is a pending litigation. The grievance of the petitioners is that the petitioners were not a party to the proceedings before the High Court nor did such a direction, as has been issued by the High Court in respect of the flat purchasers of Tower 8, fall within the ambit of the grievance which travelled to the High in the appeal arising out of the order of the trial court at the interlocutory stage.

- 3 Since the order of the High Court operates to the prejudice of the petitioners and they were not heard before such a direction was issued, we grant liberty to the petitioners to move the High Court for vacating or modification of the impugned order insofar as it relates to the flat purchasers of Tower 8.
- 4 Mr Ranjit Kumar, senior counsel appearing on behalf of the petitioners, states that an application shall be filed before the High Court within a week. In the event that the petitioners do so, we would request the High Court to take up the application for early disposal.
- 5 The Special Leave Petition is disposed of.
- 6 Pending application, if any, stands disposed of.

(SANJAY KUMAR-I)
AR-CUM-PS

(SAROJ KUMARI GAUR)
COURT MASTER