

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 3563 OF 2005

JHARKHAND STATE FORESTAppellant
DEVELOPMENT CORPN.LTD.

VERSUS

BIHAR STATE FOREST DEVELOPMENTRespondents
CORPN & ORS.

O R D E R

We have heard learned counsel for the intervenor. We do not find any merit in the application for intervention. The application for intervention is dismissed. It is open to the applicant to raise the grievance before the appropriate forum.

This appeal has been preferred against the impugned judgment and order dated 10.2.2004. The Bihar Forest Development Corporation has accepted the judgment in toto however, Jharkhand State Forest Development Corporation has challenged only certain observations made in the concluding part of the judgment.

After hearing the parties, the High Court disposed of the petition and after recording their averments the Court passed the order observing as under:

"If between the State of Bihar and its Bihar State Forest Development Corporation both are really bona fide in their pleadings that they would like to withdraw the petition they may do so in the forum where it has been filed. Before this Court only their submission has been noticed. In that case learned Advocate General of Jharkhand submitted that should that happen then all the factors will be taken into account. It goes without saying that in that case, the company which has been incorporated in Jharkhand would need be amalgamated with the Bihar State Forest Development Corporation, a pattern compatible to make the latter an inter state Corporation as intended by the Bihar Reorganisation Act, 2000. Thereafter, by virtue of this Act Jharkhand would be entitled to have its interest protected by being called upon to nominate its directors on the Board of the Corporation. In that case the memoranda and the articles of association will need be amended so that the interests of the successor State are sufficiently taken into account and watched by the inducted Directors, should an occasion so arise."

Mr. Sunil Kumar, learned senior counsel appearing for the appellant submitted that once the matter has been concluded and the High Court has agreed with the averments made before it by the counsel, there was no occasion for the court to make the following observation:

"It goes without saying that in that case, the company which has been incorporated in Jharkhand would need be amalgamated with the Bihar State Forest Development Corporation, a pattern compatible to make the latter an inter state Corporation as intended by the Bihar

HON'BLE MR. JUSTICE V. GOPALA GOWDA

For Appellant(s) Mr. Sunil Kumar, Sr. Adv.

Ms. Anita Kanungo, Adv.

Mr. Rohim Prasad, Adv.

Mrs Sarla Chandra, Adv.

For Respondent(s)

Mr. Abhishek Vikas, Adv.

Mr. T. Mahipal, Adv.

Ms. Priyanka, Adv.

Mr. Anil K. Jha, Adv.

Ms. Sadhna Sandhu, Adv.

Ms. Sushma Suri, Adv.

Mr. D.S. Mahra, Adv.

Mr. Ujjwal Krisha, Adv.

Mr. Vikram Patralkh, Adv.

Mr. Braj K. Mishra, Adv.

UPON hearing counsel the Court made the following

O R D E R

Application for intervention is dismissed.

The appeal is disposed of, in terms of the signed order.

(O.P. Sharma)

Court Master

(Signed order is placed on the file)

(M.S. Negi)

Court Master