

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 5755/2014

WESTERN COALFIELDS LTD.
& ORS. . . . APPELLANT(S)

VERSUS

M/S AGARWAL CONSTRUCTION
COMPANY . . . RESPONDENT(S)

WITH
C.A. NO. 5837/2014

ORDER

1. The order of the High Court dated 28th July, 2005 which has been challenged in Civil Appeal No.5837 of 2014 was the subject matter of Special Leave Petition (Civil) No.21600 of 2005 which was dismissed as withdrawn by the order of this Court dated 11th November, 2005. No liberty was prayed for or granted to approach this Court once again while withdrawing the aforesaid Special Leave Petition.

2. Thereafter, the appellants approached the High Court seeking review of the final order dated 28th July, 2005. The Review Petition was dismissed by the High Court by order dated 20th January, 2006. Civil Appeal No.5755 of 2014 has been filed against the order of the High Court dated 20th January, 2006 passed in Review.

3. Civil Appeal No.5837 of 2014 filed against the order of the High Court dated 28th July, 2005 is not maintainable in the absence of any liberty to approach this Court for the second time. If the said Civil Appeal No.5837 of 2014 against the main order (dated 28th July, 2005) is not maintainable, Civil Appeal No.5755 of 2014 filed against the Review order would be equally not maintainable.

4. Consequently and in the light of
the above both the Civil Appeals are
dismissed.

.....,CJI.
(RANJAN GOGOI)

.....,J.
(SANJAY KISHAN KAUL)

.....,J.
(K.M. JOSEPH)

NEW DELHI
OCTOBER 10, 2018

ITEM NO.109

COURT NO.1

SECTION IV-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

CIVIL APPEAL NO. 5755/2014

WESTERN COALFIELDS LTD. & ORS.

APPELLANT(S)

VERSUS

M/S AGARWAL CONSTRUCTION COMPANY

RESPONDENT(S)

WITH

C.A. NO. 5837/2014 (IV-A)

Date : 10-10-2018 These appeals were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE K.M. JOSEPH

For Appellant(s)

Mr. Anip Sachthey, AOR
Ms. Anjali Chauhan, Adv.
Ms. Ria Sachthey, Adv.

For Respondent(s)

Mr. Arijit Mazumdar, Adv.
Mr. Shambo Nandy, Adv.
Mr. S. L. Aneja, AOR

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

The appeals are dismissed in terms of the signed
order.

[VINOD LAKHINA]

AR-cum-PS

[ASHA SONI]

ASSISTANT REGISTRAR

[SIGNED ORDER IS PLACED ON THE FILE]