

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)...../2003
(CC:8731)
(From the judgement and order dated 26/03/2003 in CR 47/97
of The HIGH COURT OF U.P AT LUCKNOW)

STATE OF U.P.

Petitioner (s)

VERSUS

M/S. UNIVERSAL CONSTRUCTION CO.
(With I.A. 1 - for c/delay in filing SLP)

Respondent (s)

Date : 13/10/2003 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.N. VARIAVA
HON'BLE MR. JUSTICE H.K. SEMA

For Petitioner (s)Mr. Sunil Gupta, Dy.Adv.General,
Mr. Ashok K. Srivastava,Adv.

For Respondent (s)Mr. S.V.Deshpande, Adv.
Mr. Pramit Saxena, Adv.

Ms. Anuradha Rustagi, Adv.

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

Delay condoned.

We have heard Mr. Sunil Gupta, Dy. Advocate General at great length. In our view, there is no substance in the contention that the revision does not lie. The earlier provision i.e. the earlier Section 115 (which was applicable to the State of Uttar Pradesh) was amended by the Amendment Act of 1999 wherein Section 32, inter alia, specifically provides as follows:-

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"32. Repeal and savings - (1) Any amendment made, or any provision inserted in the principal Act by a State Legislature or High Court before the commencement of this Act shall, except in so far as such amendment or provision is consistent with the provisions of the principal Act as amended by this Act, stand repealed.

(2) Notwithstanding that the provisions of this Act have come into force or repeal under subsection (1) has taken effect, and without prejudice to the generality of the provisions of section 6 of the General Clauses Act, 1897 (10 of 1897), -

(i) the provisions of section 115 of the principal Act, as amended by section 12 of this Act, shall not apply to or affect any proceeding for revision which had been finally disposed of;"

Thus the amended Section 115 is not to apply to any proceedings which has been finally disposed of. In other words, if the proceeding is not finally disposed of then the amended Section 115 provision would apply. The amended Section 115 clearly permits a revision. Therefore, we see no substance in this contention.

Reliance is placed on the authority in the case of Shiv Shakti Coop. Housing Society, Nagpur vs. Swaraj Developers And Others reported in 2003 (6) SCC 659. In our view, this authority is of no assistance to the petitioner. In our view, it is against the petitioner. Even on merits, we find no reason to interfere. Accordingly, the Special Leave Petition stands dismissed. There will be no order as to costs.

Anita

(Suraj Parkash)
Court Master