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SLP(C)No. 20034 OF 2000

ITEM No.207

Court No. 7

SECTION IVB
A/N MATTER

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) No.20034/2000

(From the judgement and order dated 03/10/2000 in CWP 48/00
of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

V.K. MAHAJAN

Petitioner (s)

VERSUS

PUNJAB STATE WAREHOUSING CORPN. & ORS.

Respondent (s)

(With prayer for interim relief)
(For Final Disposal)

Date : 13/07/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAJENDRA BABU
HON'BLE MR. JUSTICE K.G. BALAKRISHNAN

For Petitioner (s) Mr. P.P. Rao, Sr. Adv.
Mr. Jamshed Bey, Adv.
Mr. Ravi Shankar Kumar, Adv.
Mr. Parmanand Gaur, Adv.

For Respondent (s) Mr. Rishi Malhotra, Adv.
Mr. Prem Nath Malhotra, Adv.

Mr. R.S. Suri, Adv.

Mr. Sudhir Nandrajog, Adv.

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

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Leave granted.
The appeal is allowed in terms of the signed
order.

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Charanjit

[Om Prakash]
Court Master

[Signed order is placed on the file]

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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 4241/2001@@
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[Arising out of SLP(C) 20034/2000]

V.K. Mahajan .. Appellant

Vs.

Punjab State Warehousing Corpn. .. Respondents
& Ors.

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Leave granted.

The action taken by the Executive Committee of respondent No.1- Corporation in relation to the order of absorption of respondent No. 5 was rescinded by the Managing Director inasmuch as the Board of Directors had not approved such absorption.

The question raised before the High Court was whether it was permissible for the Executive Committee or the Board of Directors to take such an action. When the matter itself was in dispute, it was not for the first respondent to have decided such a matter. The High Court should have decided as to which of the authority is competent to decide the matter and thereafter should have given its finding. The High Court without adopting this course has proceeded to ask the first respondent to

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decide the matter. Therefore, we think that the order made by the High Court is erroneous and is set aside. The matter is remitted and the writ petition is restored to the file of the High Court for fresh consideration in accordance with law. The appeal is allowed accordingly.

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[S. RAJENDRA BABU]@@
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[K.G. BALAKRISHNAN]@@
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New Delhi,@@
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July 13, 2001 @@
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