

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(s).25903/2004

(From the judgment and order dated 21/06/2004 in WP No. 531/2004 of The HIGH COURT OF CALCUTTA)

STATE OF ASSAM & ORS.

Petitioner(s)

VERSUS

TIRUPATI AGRO SEED DISTRIBUTORS & ANR.

Respondent(s)

(With prayer for interim relief and office report)

Date: 01/04/2005 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL

HON'BLE MR. JUSTICE P.K. BALASUBRAMANYAN

For Petitioner(s)

Mr. C.A. Sundram, Sr. Adv.

Ms. Krishna Sarma, Adv.

Mr. V.K. Sidharthan, Adv.

Mr. J.R. Luwang, Adv.

for M/S Corporate Law Group, Adv.

For Respondent(s)

Mr. Ranjit Kumar, Sr. Adv.

Mr. Siddhartha Chowdhury, Adv.

UPON hearing counsel the Court made the following

O R D E R

Heard the parties.

Leave granted.

The appeal is allowed, impugned order is set aside and the matter

is remitted to the High Court to re-hear Writ Petition No. 531/2004 in

accordance with law after giving opportunity of hearing to all the parties. It is needless to say that we have not expressed any opinion, one way or the other, on the merits of the case.

No costs.

ash]
ster

[Charanjeet Kaur]

Court Master

[Om Prak

Court Ma

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 2828 OF 2005

(arising out of SLP(C) No. 25903/2004)

State of Assam & Ors.

.. Appellant(s)

Versus

Tirupati Agro Seed Distributors & Anr.

.. Respondent(s)

O R D E R

Heard the parties.

Leave granted.

impugned

In the facts and circumstances of the case, we are of the view that as the

order was passed without hearing the appellants, it would be just and expedient to remit the matter for re-hearing.

Accordingly, the appeal is allowed, impugned order is set aside and the matter is

remitted to the High Court to re-hear Writ Petition No. 531/2004 in accordance with law after giving opportunity of hearing to all the parties. It is needless to say that we have not expr

essed

any opinion, one way or the other, on the merits of the case.

No costs.

RAWAL]

.....J[B.N. AG

.....J

[P.K.BALASUBRAMANYAN]

NEW DELHI,

APRIL 01, 2005.