

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

RECORD OF PROCEEDINGS

TRANSFER PETITION (CIVIL.) NO(s). 757 OF 2004

TATA CUMMINS LTD. & ANR.

Petitioner(s)

VERSUS

STATE OF JHARKHAND & ORS.

Respondent(s)

Date: 18/04/2005 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.P. SINGH

HON'BLE MR. JUSTICE ARUN KUMAR

For Petitioner(s)

Mr. T.R. Andhyarujina, Sr. Adv.

Mr. Pallav Sishodia, Adv.

Mr. S.Sukumaran, Adv.

Ms. Meghalee Barthakur, Adv.

Mr. Parimal Prasad, Adv.

Ms. Kanika Gomber, Adv.

Mr. Rajan Narain, Adv.

For Respondent(s)

Mr. Gopal Prasad, Adv.

UPON hearing counsel the Court made the following

O R D E R

The transfer petition is allowed in terms of the signed order.

(Sheetal Dhingra)

(Vijay D

hawan)

Court Master

Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (C)NO.757 OF 2004

TATA CUMMINS LTD. & ANR.

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VERSUS

STATE OF JHARKHAND & ORS.

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O R D E R

We have heard counsel for the parties.

It appears to us from the perusal of the documents placed before us that the issues

involved in Writ Petition(T)No.3094/2004 Tata Cummins Ltd. & Anr. Vs. The State of Jharkhand & Ors. pending before the High Court of Jharkhand at Ranchi are similar, if not identical, to the issues

raised in Civil Appeal Nos.10272/2003 State of Jharkhand and Anr. Vs. Tata Cummins Ltd. and

Civil Appeal No.1066/2004 Tata Cummins Ltd. and Ors. Vs. State of Jharkhand
and Ors. The

questions involved relate, inter alia, to the exemption granted under the
Bihar Industrial Policy,

1995.

Counsel for the State submitted that he has an objection t
o raise as to the

maintainability of the Writ Petition itself. The right of a party to raise such objections a
s he wishes

to raise is not lost by transfer of the case from the High Court to this Court. It is alway
s open to the

respondent to raise such objections before this Court as it could raise before the High Court
.

Under the circumstances, we allow this transfer petition and transfer Writ
Petition(T)

No.3094/2004 pending in the High Court of Jharkhand at Ranchi to this Court, to be hear
d along

with the Civil Appeal No. 10272/2003 and Civil Appeal No.1066/2004.

.....J.

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(B.P. SINGH)

.....J.

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(ARUN KUMAR)

New Delhi

April 18, 2005.