

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

BEFORE THE REGISTRAR S.G. SHAH

Petition(s) for Special Leave to Appeal (Civil) No(s).17910/2006

(From the judgement and order dated 17/05/2006 in WP No. 11396/2005
of The HIGH COURT OF ORISSA AT CUTTACK)

MAHANADI COAL FIELDS LTD.(CHAIRMAN) &ANR Petitioner(s)

VERSUS

M/S JAI DURGA IRON(P) LTD. & ORS Respondent(s)

(With prayer for interim relief and office report)

Date: 24/04/2007 This Petition was called on for hearing today.

For Petitioner(s)

Mr. Anip Sachthey,Adv.

Mr. Mohit Paul,Adv.

For Respondent(s)

Mr. Anil Kumar Tandale,Adv.

Mr. Janaranjan Das ,Adv

Mr. S. Mishra,Adv.

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

It is pointed out by the learned counsel for the petitioner that they have not received the copy of counter affidavit filed by respondent Nos. 3 and 4 on 19.3.2007. The Filing Memo for such counter affidavit, filed on 19.3.2007, shows some endorsement against the name of Mr. Anip Sachthey, Advocate for the petitioner. However learned counsel Mr. Mohit Paul, appearing for Mr. Anip Sachthey, Advocate has specifically denied the receipt of the counter affidavit.

In view of the fact, learned counsel for both the parties are directed to clarify the position by appropriate document (letter/affidavit) regarding service of counter affidavit to the concerned

Advocate on 19.3.2007.

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In any case, if no counter affidavit is served upon the petitioner, certainly they would not be in a position to file rejoinder affidavit. However, though respondent No. 1 and 2 has filed counter affidavit in the month of November, 2006; Petitioner has failed to file rejoinder affidavit against such counter affidavit till date.

On the last date i.e. on 16.3.2007 both the parties are allowed to file their respective affidavits. Almost a month has passed.

However in view of the fact that there is a controversy regarding supply of copy of the counter affidavit filed by respondent Nos. 3 and 4 to the petitioner. Petitioner may file rejoinder affidavit before 7.5.2007.

Matter be listed before the Hon'ble Court immediately thereafter with details that may be furnished by both the advocates as per above order.

(S.G. SHAH)
Registrar