

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) NO. 26902/2008

UNION OF INDIA & ANR.

Petitioners

VERSUS

W.H.TARGETT (INDIA) LTD. & ANR.

Respondents

WITH

SLP(C) NOS. 10212-10216 of 2010

O R D E R

SLP NO. 26902/2008

The instant petition is directed against the judgment dated 25.9.2008 passed by the Division Bench of the High Court of Calcutta in GA 3149/2008 by which the prayer made by the petitioners to review judgment rendered in APOT No. 388/2008 with WP 4241/1991 is rejected.

Mr. Ranjit Kumar, the learned senior counsel for the respondents has rightly pointed out that in the memorandum of SLP, no ground is mentioned as to why the review application should have been allowed by the High Court. Even in review application also no relevant ground is pleaded which would enable the Court to exercise review jurisdiction. What is contended by the learned

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counsel for the petitioners is that the Calcutta High Court had no jurisdiction and, therefore, irrespective of the fact that sufficient cause for condonation of delay was made out or not, the point regarding jurisdiction have not been considered by the High Court. This Court has considered the point of jurisdiction advanced by the learned

counsel for the petitioners. In view of the provisions of Section 10 read with Section 2(11) of the Companies Act read with Sections 120 and 141 of the Code of Civil Procedure 1973 read with Article 226 Clause 2 of the Constitution, this Court is of the opinion that Calcutta High Court had jurisdiction to entertain the writ petition filed by the respondent. Therefore, the impugned judgment is not liable to be interfered with in the instant petition.

On merits this Court finds that 90% of the share holding was with M/s. Mincing Lane Investments Ltd. before the change of name and after change of name and, therefore, the case of the respondents was rightly accepted by the High Court. No ground is made out by the learned counsel for the petitioners to interfere with the impugned judgment. Therefore the instant special leave petition fails and is dismissed.

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SLP NOS. 10212-10216/2010

SLP No. 10212/2010 is directed against the Order dated 15.7.2009 passed in GA No. 3831/2008 which was an application for condonation of delay caused in filing APOT No.471/2008. SLP No. 10213/2010 is filed against order dated 15.7.2009 in GA No. 3850/2008 by which the prayer for stay pending the appeal was rejected. SLP No. 10214/2010 is directed against judgement dated 15.7.2009 rendered in APOT No. 471/2008 which was against judgment dated 3.12.1998 in Writ Petition No. 4241/1991 SLP No. 10215/2010 is directed against GA No. 2780/2000 by which review application is rejected wheres SLP No. 10216/2010 is directed against judgment delivered by the

learned Single Judge in WP No. 4241/1991.

This Court has heard the learned counsel for the parties. No plausible and acceptable explanation for condonation of delay could be offered by the petitioners for condoning the delay of 10 years caused in filing the appeal against the judgment of the learned Single Judge. Therefore,

this Court is of the opinion that the High Court was justified in not condoning the delay of 10 years caused in filing APOT No. 471 of 2008 against decision dated 3.12.1998 rendered by the

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learned Single Judge in WP No. 4241/1991.

Further, in the memorandum of SLP no ground is mentioned by the petitioners as to why delay should have been condoned by the High Court or why this Court should condone the delay caused in filing APOT No. 471 of 2008 before the D.B. of the High Court.

Having regard to the facts of the case, this Court is of the opinion that no ground is made out to interfere with the impugned order not condoning the delay and therefore, all the five special leave petitions deserve to be dismissed.

Hence, the special leave petitions fail and are dismissed.

As sufficient time has lapsed, the petitioners shall implement the judgment dated 3.12.1998 delivered by the learned Single Judge in WP No. 4241/1991 as early as possible and without any avoidable delay.

Interim relief granted earlier vide order dated 17.11.2008 in SLP(C) No. 26902 of 2008 is hereby vacated.

.....J.

(J.M. PANCHAL)

.....J.
(H.L. GOKHALE)

NEW DELHI;
DATED SEPTEMBER 13, 2011

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ITEM NO.2 (PH) COURT NO.10 SECTION XVI

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).26902/2008

(From the judgement and order dated 25/09/2008 in APOT
No.388/2008 , GA No.3149/2008 of The HIGH COURT OF CALCUTTA)

UNION OF INDIA & ANR.

Petitioner(s)

VERSUS

W.H.TARGETT (INDIA) LTD. & ANR.

Respondent(s)

(With appln(s) for permission to place addl. documents on record and
permission to amend prayer of SLP and with prayer for interim
relief)

WITH SLP(C) NO. 10212-10216 of 2010
(With office report)

Date: 13/09/2011 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.M. PANCHAL
HON'BLE MR. JUSTICE H.L. GOKHALE

For Petitioner(s) Mr. P.P. Malhotra, ASG
Mr. Gaurav Sharma, Adv.
Mr. S. Wasim Quadri, Adv.
Mr. Zaid Ali, Adv.
Ms. Sushma Suri, Adv.

For Respondent(s) Mr. Ranjit Kumar, Sr Adv.
Mr. Rohit C., Adv.
Ms. Preeti K., dv.
Ms. B. Vijayalakshmi Menon, Adv.

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

The Special Leave Petitions are dismissed in terms of
the signed order.

(Sonia) (Sneh Bala Mehra)
Sr. P. A. Court Master
(Signed order is placed on the file).