

ITEM NO.46

COURT NO.4

SECTION IX

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).33282/2009

(From the judgement and order dated 13/07/2009 in LPA No.212/2009 of The
HIGH COURT OF GUJARAT AT AHMEDABAD)

B.S.N.L. Petitioner(s)

VERSUS

STATE OF GUJARAT & ORS. Respondent(s)
(With prayer for interim relief and office report)
(FOR FINAL DISPOSAL)

WITH

SLP(C) NO. 8529 of 2010
(With prayer for interim relief and office report)
(FOR FINAL DISPOSAL)

SLP(C) NO. 5432 of 2010
(With prayer for interim relief and office report) (For
Final Disposal)

SLP(C) NO. 21359-21361 of 2010
(With prayer for interim relief and office report)(For Final Disposal)

SLP(C) NO. 3613 of 2010
(With office report) (For Final Disposal)

Date: 24/09/2013 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.L. DATTU
HON'BLE MR. JUSTICE M.Y. EQBAL
HON'BLE MR. JUSTICE SHIVA KIRTI SINGH

For Petitioner(s) Mr. R.D. Agrawala, Sr. Adv.
Mr Pavan Kumar, Adv.
Mr. Prithvi Pal, Adv.

For Respondent(s) Mr. Preetesh Kapur, Adv.
Ms. Hemantika Wahi, Adv.
Ms. Nandini Gupta, Adv.

Mr. Jatin Zaveri ,Adv
Mr. Neel Kamal Mishra, Adv.

Mr. Aniruddha P Mayee, Adv.
Mr. Charudatta Mahindrakar, Adv.

Mr. P.P. Malhotra, ASG
Mr. S.P. Singh, Sr. Adv.
Mr. Chetan Chawla, Adv.
Mr. D.S. Mahra, Adv.

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

S.L.P.(C) No. 33282 of 2009

Shri R.D. Agrawala, learned senior counsel appearing for the

petitioner submits that the petitioner had taken several grounds in the appeal filed before the High Court of Gujarat in L.P.A. No. 212 of 2009. He further submits that the High Court without even considering the grounds so urged in the appeal had proceeded to pass the impugned judgment, dated 13.07.2009. Therefore, learned senior counsel contends that the matter requires to be remanded back to the High Court.

We have carefully perused the judgment and order passed by the High Court. We have noticed that the High Court in the impugned judgment and order has not stated anything with regard to the grounds urged in the memorandum of appeal filed before it by the petitioner herein. In our view, in a matter of this nature, at the first instance, the petitioner should have filed appropriate review petition before the High Court bringing to its notice the grounds urged in the memorandum of appeal and should have requested the Court to consider those grounds.

In view of the above, we dispose of this special leave petition with liberty to the petitioner to file an appropriate review petition before the High Court within six weeks' time from today. If such a petition is filed within the time granted by us, we request the High Court to consider the same without reference to the period of limitation.

All the contentions of the parties are left open.

Ordered accordingly.

S.L.P.(C) Nos. 8529 of 2010, 5432 of 2010, 21359-21361 of 2010 and 3613 of 2010

In view of order passed in S.L.P.(C) No.33282 of 2009, these special leave petitions are also disposed of in the same terms and observations.

Ordered accordingly.

[Charanjeet Kaur]
| Court Master

[Vinod Kulvi]
| Asstt. Registrar