

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.8059 of 2015
(@ SLP (C) No. 7711 of 2013)

M/S BHUSHAN POWER & STEEL LTD.

Appellant(s)

VERSUS

PUNJAB STATE POWER CORP. LTD. & ANR.

Respondent(s)

O R D E R

Delay condoned.

Leave granted.

We have heard learned counsel for the parties.

The appellant had filed a suit before the trial court which was withdrawn by order dated 26.09.1997. While withdrawing the suit, it was stated therein that the appellant would like to move the High Court under Article 226 of the Constitution of India and for this purpose two months' time was prayed and was granted by the trial court.

The appellant apparently on legal advice did not file the petition under Article 226 of the Constitution of India but filed a review petition in the trial court which was barred by 11 days. The trial Court declined to condone the delay of 11 days in filing the review petition. The appellant then approached the High Court.

The High Court appears to have gone on the basis that on merits the review petition could not succeed. The question before the High Court was not on the merits of the review petition but on condonation of delay. Unfortunately, the High Court did not

appropriately consider the issue of delay in filing the review petition.

We have heard learned counsel for the parties on this issue and find that sufficient cause has been made out for condonation of delay. That apart, the delay is only of 11 (eleven) days.

Under the circumstances, we set aside the orders of the High Court as well as the trial court and condone the delay in filing the review petition.

The trial court may now consider the review petition on its own merits.

The civil appeal is disposed of accordingly.

.....J.
[Madan B. Lokur]

.....J.
[S.A. BOBDE]

NEW DELHI
SEPTEMBER 28, 2015

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

Petition(s) for Special Leave to Appeal (C) No(s). 7711/2013

(Arising out of impugned final judgment and order dated 26/09/2012 in CR No. 1519/2010 passed by the High Court of Punjab & Haryana at Chandigarh)

M/S BHUSHAN POWER & STEEL LTD.

Petitioner(s)

VERSUS

PUNJAB STATE POWER CORP. LTD. & ANR.

Respondent(s)

(With appln. (s) for c/delay in filing SLP and office report)

Date : 28/09/2015 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR

HON'BLE MR. JUSTICE S.A. BOBDE

For Petitioner(s) Mr. Debasis Misra, Adv.

For Respondent(s) Mr. Ninad Laud, Adv.
Mr. Gurmehar S. Sistani, Adv.
Ms. Ranjeeta Rohtagi, Adv.

UPON hearing the counsel the Court made the following

O R D E R

Delay condoned.

Leave granted.

The civil appeal is disposed of in terms of the signed order.

(Meenakshi Kohli)

COURT MASTER

(Jaswinder Kaur)

COURT MASTER

[Signed Order is placed on the file]