

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The appellant had filed a suit before the trial court which was withdrawn by order dated 26.09.1997.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

Signature Not Verified

Digitally signed by
Meenakshi Kohli
Date: 2015.09.30

condonation

06:13:25 IST

Reason: 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

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]