

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 2400 OF 2008

[Arising out of SLP(C) No.1091/2004]

ANIL KUMAR SAHOO

... APPELLANT(S)

:VERSUS:

AMAL KUMAR SAHOO AND ORS.

... RESPONDENT(S)

ORDER

Delay condoned.

Leave granted.

From our order dated 18.2.2008, it appears that Mr. Ranjan Mukherjee, learned counsel appearing on behalf of the appellants, did not press the special leave petition in respect of grant of licence for petroleum products. So far as grant of licence in respect of Kerosene is concerned, it appears that the appellant has pressed its claim on the basis of being the surviving partner of M/s. P.K. Sahoo. However, the private respondents are claiming their right to carry out business in Kerosene on the ground of inheritance.

In view of the rival claims of the parties, we are of the opinion that interest of justice would be subserved if the Sub-Divisional Officer, Sadar, South, in the District of Midnapore is directed to decide the aforementioned dispute. We direct accordingly.

The controversy may be resolved between the parties by the said authority, without in any way being influenced by the observations made by the authorities as also by the High Court in their judgments.

The respondent company shall grant licence in terms of the said order.

The impugned judgment is, therefore, set aside and the matter is remitted to Sub-Divisional Officer, Sadar, South, in the District of Midnapore. The appeal is disposed of with the aforementioned direction.

.....J
(S.B. SINHA)

.....J
(LOKESHWAR SINGH PANTA)

NEW DELHI,
MARCH 31, 2008.