

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.5780 OF 2008

(Arising out of S.L.P. (C) No.17792 of 2006)

Executive Engineer, D.V.V. Nigam

...Appellant(s)

Versus

M/s. Real Cement Company Pvt. Ltd. & Anr. ...Respondent(s)

O R D E R

Heard learned counsel for the parties.

Leave granted.

After the case was heard at great length, learned counsel appearing on behalf of the respondents made a prayer that, in view of the judgement rendered by the Allahabad High Court on 18th July, 2008, in Writ Petition No.989 (MB)/1999, the respondents may be permitted to withdraw Writ Petition No.52563 of 2006, which has been disposed of by the Allahabad High Court under the impugned order.

Learned counsel appearing on behalf of the appellant has no objection to the prayer.

We are not expressing any opinion regarding correctness or otherwise of the aforesaid order rendered by the Allahabad High Court on 18th July, 2008 in the writ petition mentioned above. In view of these facts, the appeal is allowed, impugned order is set aside and Writ Petition No.52563 of 2006 filed by the appellant before Allahabad High Court is dismissed as withdrawn.

[B.N. AGRAWAL]

.....J.

[G.S. SINGHVI]

.....J.

[J.M. PANCHAL]

.....J.

**New Delhi,
August 18, 2008.**

ITEM NO.MM-A

IN COURT NO.1

SECTION XI

**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 (Civil) No(s).17792/2006

**(From the judgement and order dated 20/09/2006 in CMWP No.52563/06
of The HIGH COURT OF JUDICATURE AT ALLAHABAD)**

EXECUTIVE ENGINEER,D.V.V.NIGAM

Petitioner(s)

VERSUS

M/S REAL CEMENT COMPANY PVT.LTD.& ANR.

Respondent(s)

Date: 22/08/2008 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL

HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MR. JUSTICE J.M. PANCHAL

For Petitioner(s) Mr. Dharam Bir Raj Vohra,Adv.(N/P)

For Respondent(s) Ms. Manik Karanjawala,Adv. (N/P)

**The Court made the following
O R D E R**

**In the order dated 18th August, 2008, “Civil Appeal No.5780
of 2008” be read as “Civil Appeal No.5087 of 2008”.**

Ordered accordingly.

**[Alka Dudeja]
Court Master**

**[Om Prakash]
Assistant Registrar**

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.5087 OF 2008

(Arising out of S.L.P. (C) No.17792 of 2006)

Executive Engineer, D.V.V. Nigam

...Appellant(s)

Versus

M/s. Real Cement Company Pvt. Ltd. & Anr. ...Respondent(s)

O R D E R

In the order dated 18th August, 2008, “Civil Appeal No.5780 of 2008” be read as “Civil Appeal No.5087 of 2008”.

Ordered accordingly.

[B.N. AGRAWAL]J.

[G.S. SINGHVI]J.

[J.M. PANCHAL]J.

**New Delhi,
August 22, 2008.**