

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.6413 OF 2008
(Arising out of S.L.P. (C) No.8503 of 2007)

M/s. Bharat Coking Coal Ltd. & Ors. ...Appellant(s)

Versus

**M/s. Saraswati Hard Coke Manufacturers
& Ors.** **...Respondent(s)**

ORDER

Heard learned counsel for both the sides.

Delay condoned.

Leave granted.

Against the order of the High Court dated 26th April, 2006, passed in L.P.A. No.121 of 2005, the appellants have moved this Court.

By the impugned order, the Division Bench of the High Court, by referring to letter dated 8th September, 2003, disposed of the Letters Patent Appeal as infructuous. It is relevant to refer to the earlier order of this Court dated 11th February, 2005, which reads as under:

“The appeal is allowed, the impugned order is set aside and the matter is remitted to the Division bench of the High Court to consider the LPA on merits in accordance with law, as expeditiously as possible, without being prejudiced by any observation made in this order.”

...2/-

Though learned counsel appearing for the respondent once again referred to the letter dated 8th September, 2003, in view of the specific order passed by this Court requesting the High Court to consider the Letters Patent Appeal on merits and dispose of the same in accordance with law, we are of the view that the High Court has not adverted to the said direction and disposed of the appeal as infructuous which, according to us, is not in accordance with the order of this Court dated 11th February, 2005. In such circumstances, the impugned order of the High Court is set aside and the matter is remitted to the High Court with a request to consider and dispose of the Letters Patent Appeal on merits and in accordance with law, expeditiously.

The civil appeal is allowed in the above terms.

[P. SATHASIVAM]J.

[G.S. SINGHVI]J.

New Delhi,
November 03, 2008.