

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).1091/2004

(From the judgement and order dated 24/07/2000 in GA No. 1984/2000 of the
HIGH COURT OF CALCUTTA)

ANIL KUMAR SAHOO
VERSUS

Petitioner(s)

LILABATI SAHOO & ORS.

Respondent(s)

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

Date: 31/03/2008 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.B. SINHA
HON'BLE MR. JUSTICE LOKESHWAR SINGH PANTA

For Petitioner(s) Mr. Ranjan Mukherjee,Adv.

For Respondent(s) Mr. T.S. Doabia, Sr.Adv.
Mr. Rajiv Nanda,Adv.
Mr. B.K. Prasad,Adv.
Mr. B.V. Balaram Das,Adv.

Mr. Parijat Sinha,Adv.
Ms. Rashmi Rea,Adv.
Mr. S.C. Ghosh,Adv.
Mr. Snehasish Mukherjee,Adv.

Mr. Sharath Sampath,Adv.
Mr. Navin Chawla,Adv.

UPON hearing counsel the Court made the following
ORDER

Delay condoned. Leave granted.

The impugned judgment is set aside, matter is remitted to
Sub-Divisional Officer, Sadar, South, in the District of Midnapore and
the appeal is disposed of in terms of the signed order.

(A.S. BISHT)
COURT MASTER

(PUSHAP LATA BHARDWAJ)
COURT MASTER

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2008
[Arising out of SLP(C) No.1091/2004]

ANIL KUMAR SAHOO

... APPELLANT(S)

:VERSUS:

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.

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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.