

ITEM NO.23

COURT NO.4

SECTION XVII

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

I.A. 3/2016 in Civil Appeal No(s). 2363/2016

EASTERN COALFIELDS LTD.

Appellant(s)

VERSUS

STATE OF JHARKHAND AND ORS

Respondent(s)

(for directions and office report)

WITH

I.A. No.4 in C.A. No. 5651/2005

(With appln.(s) for directions and Interim Relief and Office Report)

I.A. No.6 in C.A. No. 5650/2005

(With (With appln.(s) for directions and appln.(s) for exemption from filing O.T. and Interim Relief and Office Report)

Date : 05/07/2016 This application was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DIPAK MISRA
HON'BLE MRS. JUSTICE R. BANUMATHI

For Appellant(s) Mr. Anip Sachthey, AOR
Ms. Anjali Chauhan, Adv.

For Respondent(s) Mr. Ajit Kumar Sinha, Sr. Adv.
Mr. Krishnanand Pandeya, AOR
Mr. J. Gaurav, Adv.

Mr. Ajit Kumar Sinha, Sr. Adv.
Mr. Gopal Prasad, AOR

UPON hearing the counsel the Court made the following
O R D E R

Heard Mr. Anip Sachthey, learned counsel for the petitioner and Mr. Ajit Kumar Sinha, learned senior counsel for the respondents. It is submitted by Mr. Sachthey that while reproducing the three Judge Bench order, erroneously, an earlier order has been quoted. On a perusal of the same, we find that it has been wrongly reproduced. What should have been reproduced at

page 2 in the quoted portion is the following passage :

- "4. The contention so canvassed by the learned senior counsel for the State appears to be a pure question of fact. Furthermore, in our opinion, it appears to be a question of fact that should have been decided by the High Court. Therefore, without going into the other details of the decision in the impugned judgment(s) and order(s) passed by the High Court, we remand these matters to the High Court to answer the specific contention that was canvassed by the State.
5. In view of the above, we dispose of these civil appeals and remand these matters to the High Court of Jharkhand for an appropriate decision on the contentions canvassed by the State of Jharkhand.
6. All the contentions of both the parties are kept open to be agitated once again before the High Court.

With the aforesaid substitution in the relevant paragraph, the I.As. are disposed of.

Copy of the order be communicated to the High Court.

(Gulshan Kumar Arora)
Court Master

(H.S. Parasher)
Court Master