

ITEM NO.38

COURT NO.5

SECTION XI-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 57336/2024

[Arising out of impugned final judgment and order dated 28-08-2024 in ARB. A No. 07/2023 passed by the District Judge, Khurda at Bhubaneswar]

NATIONAL ALUMINIUM COMPANY LTD. & ORS.

Petitioner(s)

VERSUS

M/S MAHESWARI BROTHERS COAL LTD.

Respondent(s)

(IA No.294824/2024-CONDONATION OF DELAY IN FILING)

Date : 15-01-2025 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE UJJAL BHUYAN

For Petitioner(s) :

Ms. Aishwarya Bhati, A.S.G.
Mr. Abhishek Gupta, Adv.
Mr. Gunnam Venkateswara Rao, AOR
Ms. Ikshita Singh, Adv.
Mr. Udit Kumar, Adv.
Ms. Anupriya Srivastava, Adv.
Mr. Rajeev Yadav, Adv.
Mr. Anirudh Singh, Adv.

For Respondent(s) :

Mr. Chinmoy Pradip Sharma, Sr. Adv.
Mr. Dhruv Surana, Adv.
Mr. Arya Hardik, Adv.
Mrs. Ravina Sharma, Adv.
Mr. Debangshu Dinda, Adv.
Mr. Jai Surana, Adv.
Mr. Irfan Hasieb, Adv.
Mr. Rohit, Adv.
Mr. Amit Sthalekar, Adv.
Mr. Krishna Jyoti Deka, Adv.

Signature Not Verified
Digitally signed by
KAVITA PAHOJA
Date: 2025.01.16
17:03:21 IST
Reason: 

UPON hearing the counsel the Court made the following

O R D E R

Delay condoned.

In view of the law laid down by this Court in the case of *Deep Industries Ltd. vs. ONGC*¹, it will be open for the petitioners to invoke jurisdiction of the High Court under Article 226/227 of the Constitution of India for challenging the impugned orders.

We, therefore, dispose of the petition by granting liberty to the petitioners to file proceedings as aforesaid.

It is needless to add that in the event adverse orders are passed in the petition which may be filed by the petitioners under Article 226/227 of the Constitution of India, it will be open for the petitioners to challenge the said orders before this Court in accordance with law.

To enable the petitioners to move the High Court for appropriate interim relief, the interim relief granted by this Court on 20th December, 2024 will continue to operate on the same terms for a period six weeks from today. However, we make it clear that the High Court shall decide the prayer for interim relief without being influenced by the continuation of the aforesaid interim order of this Court.

Pending application(s), if any, shall stand disposed of.

(KAVITA PAHUJA)
AR-cum-PS

(AVGV RAMU)
COURT MASTER (NSH)

1 [(2020) 15 SCC 706]