

(2011) 07 SC CK 0173

Supreme Court of India

Case No: Petition for Special Leave to Appeal (Civil) No. 355 of 2011

Union of India (UOI)

APPELLANT

Vs

Mohan Rocky Springwater
Breweries Ltd.

RESPONDENT

Date of Decision: July 29, 2011

Citation: (2011) 273 ELT 164 : (2012) 27 STR 200

Hon'ble Judges: Mukundakam Sharma, J; Anil R. Dave, J

Bench: Division Bench

Advocate: Rachana Joshi Issar, Arum Gupta and B. Krishna Prasad, for the Appellant;
Sujan N. Kantawala and Kailash Chand, for the Respondent

Final Decision: Allowed

Judgement

@JUDGMENTTAG-ORDER

1. Heard the Learned Counsel appearing for the parties.
2. Our attention has been drawn to the contents of paragraph 5 of the impugned judgment and order 480184 wherein the High Court has recorded that a consensus was there between the counsel appearing for the parties at the time of hearing that there are two contradictory orders in respect of the same Petitioner which could not be allowed to hold the field. Learned Counsel appearing for the Petitioners has stated before us that there could not and should not have been such a consensus nor was there any instruction for giving such a consent by the Petitioners to the concerned counsel.
3. We have noted the said statement.
4. In our considered opinion, in that event, it may be a matter of review which the Petitioners should resort to in order to get proper and appropriate relief. If, in fact, no such consent was given by the counsel and if there was no such instructions by the client to the counsel, in that event, an appropriate application should be filed by

the Petitioners before the High Court seeking for a review of the aforesaid contents in paragraph 5.

5. We permit the Petitioners to withdraw this petition with a liberty to file a review petition before the High Court within a period of three weeks. If the same is filed accordingly, the High Court will entertain such petition without raising any objection with regard to the period of limitation and shall hear the petition on merits, as the matter was pending in this Court for all these periods.

6. The SLP is disposed of as withdrawn in terms of the aforesaid order, giving aforesaid liberty to the Petitioners.