

ITEM NO.50

COURT NO.12

SECTION III

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

Petition(s) for Special Leave to Appeal (C) No(s).  
32497-32498/2015

(Arising out of impugned final judgment and order dated 27/12/2011 in TRC No. 1293/2010 27/12/2011 in TRCMP No. 60/2010 passed by the High Court Of A.P. At Hyderabad)

STATE OF A.P.

Petitioner(s)

VERSUS

M/S OM SAI TRADERS WARANGAL A.P. NOW TELANGANA

Respondent(s)

(with appln. (s) for c/delay in filing SLP and c/delay in refiling SLP and exemption from filing c/c of the impugned judgment and interim relief and office report)

Date : 01/05/2017 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA

HON'BLE MR. JUSTICE AMITAVA ROY

For Petitioner(s) Mr. Arvind P. Datar, Sr. Adv.  
Mr. S. Udaya Kumar Sagar, Adv.  
Mr. Mrityunjai Singh, Adv.

For Respondent(s)

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

Heard learned counsel for the parties.

Delay condoned.

In spite of service non appears on behalf of the respondent.

Leave granted.

Appeals stand disposed of in terms of the signed order.

(NEELAM GULATI)  
COURT MASTER

(TAPAN KR. CHAKRABORTY)  
COURT MASTER

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No(s). 5787-5788 OF 2017  
(Arising out of SLP(C) Nos. 32497-32498 of 2015)

STATE OF A.P.

Appellant(s)

VERSUS

M/S OM SAI TRADERS WARANGAL A.P. NOW TELANGANA

Respondent(s)

O R D E R

Heard learned counsel for the parties.

Delay condoned.

In spite of service non appears on behalf of  
the respondent.

Leave granted.

The High Court had not condoned the delay of  
51 days while dismissing the application filed  
under Section 5 of the Limitation Act, 1980, Tax  
Revision Case was also dismissed.

We find that sufficient cause has been made so as to condone the delay. The High Court had acted in hyper-technical manner. Delay was not so much so as to dismiss the case on the ground of limitation only. The Impugned order is therefore set aside. The matter is remitted to the High Court. The High Court to decide the matter afresh on merits in accordance with law.

The appeals stand disposed of.

.....J.  
(ARUN MISHRA)

.....J.  
(AMITAVA ROY)

NEW DELHI;  
MAY 01, 2017