

ITEM NO.41

COURT NO.2

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 for Special Leave to Appeal (C) No. 10070/2020

(Arising out of impugned final judgment and order dated 17-12-2019 in SCA No. 19533/2019 passed by the High Court Of Gujarat At Ahmedabad)

UNION OF INDIA & ANR.

Petitioner(s)

VERSUS

KUSHAL LTD & ANR.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.82039/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

WITH

SLP(C) No. 5173/2021 (IV-B)

(FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 45415/2021)

Date : 21-10-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJIV KHANNA
HON'BLE MR. JUSTICE SANJAY KUMAR

For Petitioner(s)

Mr. N. Venkatraman, A.S.G. (N/P)
Mr. Zoheb Hossain, Adv.
Mr. C. Bharathi, Adv.
Mr. Rupesh Kumar, Adv.
Ms. Garima Prasad, Adv.
Mr. Chitvan Singhal, Adv.
Mr. Raman Yadav, Adv.
Mr. Padmesh Mishra, Adv.
Mr. G.S. Makker, Adv.
Mr. Mukesh Kumar Maroria, AOR

For Respondent(s)

Mr. Jasdeep Singh Dhillon, Adv.
Mr. Rahul Gupta, AOR

Ms. Charanya Lakshmikumaran, AOR
Ms. Falguni Gupta, Adv.
Ms. Neha Choudhary, Adv.
Ms. Umang Motiyani, Adv.

Mr. Ayush Agarwal, Adv.

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

It is accepted at the Bar that the legal issue raised in the present special leave petitions is not required to be answered in view of the subsequent enactments and, to this extent, the special leave petitions have become infructuous.

However, it is submitted that the *ratio* of the judgment passed by the High Court is debatable and this Court, while issuing notice on 16.11.2020, had stated that the *ratio* expressed in the impugned judgment will be kept in abeyance and will not be followed in other cases till the issue is finally answered/decided by this Court.

Be that as it may, we do not think that the legal issue will be surviving for consideration in many a case.

However, if the legal issue does arise for consideration, the courts will examine the same in accordance with law, without being bound by the impugned judgment.

Recording the aforesaid, the special leave petitions are disposed of.

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

(DEEPAK GUGLANI)
AR-cum-PS

(R.S. NARAYANAN)
ASSISTANT REGISTRAR