

ITEM NO.27

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(s) for Special Leave to Appeal (C).....CC 20016/2016

(Arising out of impugned final judgment and order dated 18/04/2016 in LPA No.1336/2012 18/04/2016 in CR No. 351/2013 passed by the High Court of Patna)

M/S DUMRAON TEXTILES LTD.

Petitioner(s)

VERSUS

STATE OF BIHAR AND ORS

Respondent(s)

(With c/delay in filing SLP and office report)

Date : 04/01/2017 This application was called on for hearing today.

CORAM :

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

For Petitioner(s) Mr. Kailash Vasdev, Sr. Adv.
Mr. Kuljeet Rawal, Adv.
Mr. Ashwani Kumar, AOR
Ms. Iti Sharma, Adv.

For Respondent(s)

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

Heard Mr. Kailash Vasdev, learned senior counsel for the petitioner.

Delay condoned.

It is submitted by Mr. Vasdev, learned senior counsel that neither the Single Bench nor the Division Bench of the High Court has addressed the *lis* in an appropriate manner, for the *simon-pure* reason, the petitioner never claimed any benefit under the Industrial Incentive Policy 2006, but the claim was advanced on the basis of

rehabilitation scheme framed under the Sick Industrial Companies (Special Provisions) Act, 1985 (SICA). Learned senior counsel would submit that the rehabilitation scheme was initially framed in 2002 and that was amended in 2008 under the SICA, but the benefits that were granted under the 2002 Scheme as amended in 2008, were withdrawn by an executive notification which could not have been done. On a perusal of the judgment passed by the High Court, we find that the said contention has not been dealt with. Learned senior counsel would contend that such a contention was raised before the High Court.

In view of the aforesaid, we permit the petitioner to file a review petition before the High Court, which shall dwell upon this aspect alone. If the review petition is filed within four weeks hence, the same shall be adverted to on merits and not to be thrown on the ground of limitation. If the petitioner is grieved by the order passed in the review petition, liberty is granted to assail the principal order (impugned order) as well as the order passed in the review petition by way of special leave petition.

With the aforesaid observation and direction, the special leave petition stands disposed of.

(Chetan Kumar)
Court Master

(H.S. Parasher)
Court Master