

ITEM NO.1502
(For Judgment)

COURT NO.4

SECTION XIV-A

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

Civil Appeal No(s). 375/2017

MODI RUBBER LTD.

Appellant(s)

VERSUS

CONTINENTAL CARBON INDIA LTD.

Respondent(s)

([HEARD BY: HON. M.R. SHAH AND HON. SUDHANSHU DHULIA, JJ.])

WITH

C.A. No. 1755/2023 (IV-C) @ SLP (C) No. 4282/2020

IA No. 128703/2022 - APPLICATION FOR PERMISSION

IA No. 28577/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT

IA No. 77280/2022 - EXEMPTION FROM FILING O.T.

IA No. 77200/2022 - EXEMPTION FROM FILING O.T.

IA No. 153330/2021 - EXEMPTION FROM FILING O.T.

IA No. 28578/2020 - EXEMPTION FROM FILING O.T.)

C.A. No. 377/2017 (XIV-A)

T.P.(C) No. 543/2016 (XVI-A)

IA No. 1/2016 - STAY APPLICATION)

C.A. No. 379/2017 (XIV-A)

Date : 17-03-2023 These matters were called on for pronouncement
of judgment today.

For Appellant(s) Mr. Santosh Paul, Sr. Adv.
Mr. E.R. Kumar, Adv.
Mr. D.P. Mohanty, Adv.
Mr. Aditya Sharma, Adv.
For M/s. Parekh & Co., AOR

Mr. Atishi Dipankar, AOR

M/s. Khaitan & Co., AOR
Ms. Uttara Babbar, AOR

For Respondent(s) Mr. P. S. Sudheer, AOR
Ms. Shruti Jose, Adv.
Mr. Rishi Maheshwari, Adv.
Ms. Anne Mathew, Adv.
Mr. Bharat Sood, Adv.

Mr. P. N. Puri, AOR

Mr. Gopal Jain, Sr. Adv.
Mr. Amar Gupta, Adv.
Mr. Divyam Agarwal, AOR
Mr. Aniket Aggarwal, Adv.
Mr. Pranav Tanwar, Adv.
Mr. Chirag Basu, Adv.

Mr. Deepak Goel, AOR
Mr. Dinkar Singh, Adv.
Mr. Kamal Kumar Pandey, Adv.
Mr. Girdhari Singh, Adv.
Mr. Kumar Kartikay, Adv.
Ms. Baby Devi Bonia, Adv.

Mr. Arun Aggarwal, AOR
Mr. B. Krishna Prasad, AOR
M/S. Mitter & Mitter Co., AOR

Mr. Buddy.a.ranganadhan, Adv.
Ms. Nandini Tomar, Adv.
Mr. A. V. Rangam, AOR

Mr. M. Yogesh Kanna, AOR

Mr. Akshat Shrivastava, AOR

Ms. Aparna Bhat, AOR
Ms. Karishma Maria, Adv.

Mr. Aastik Dhingra, Adv.
Mr. Shuvodeep Roy, AOR
Mr. Deepayan Dutta, Adv.
Mr. Shashank Sai, Adv.

Hon'ble Mr. Justice M.R. Shah pronounced the reportable judgment of the Bench comprising His Lordship and Hon'ble Mr. Justice Sudhanshu Dhulia.

Leave granted in SLP (C) No. 4282/2020.

This Court came to the following conclusion, in terms of the signed reportable judgment:

(i) Civil Appeal No. 375 of 2017 is accordingly allowed. No costs.

(ii) The transfer petition being Transfer Petition (C) No. 543 of 2016 is allowed and is ordered to be transferred to this

Court.

- (iii) Civil Appeal No. 1755 of 2023 (arising out of SLP (C) No. 4282 of 2020) is allowed and the impugned judgment and order passed by the Madhya Pradesh High Court relying upon the decision of the Delhi High Court in the case of Continental Carbon India Ltd. (supra), which has been set aside by the present order also deserves to be allowed and the impugned judgment and order passed by the High Court of Madhya Pradesh in Civil Revision No. 96 of 2018 is hereby quashed and set aside.
- (iv) On being set aside the judgment and order passed by the High Court of Delhi in the case of Continental Carbon India Ltd. (supra), Civil Appeal No. 377 of 2017 stands dismissed.
- (v) In view of the above and for the reasons stated above and quashing and setting aside the judgment and order passed by the High Court of Delhi in the case of Continental Carbon India Ltd. (supra), Civil Appeal No. 379 of 2017 and Transfer Petition (C) No. 543 of 2016 stands disposed of and consequently the writ petition before the High Court being Writ Petition (C) No. 832 of 2016 stands dismissed.
- Pending applications, if any, stand disposed of.

(R. NATARAJAN)
ASTT. REGISTRAR-cum-PS

(Signed reportable judgment is placed on the file)

(NISHA TRIPATHI)
ASSISTANT REGISTRAR