

ITEM NO.4

Court 6 (Video Conferencing)

SECTION XVI

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

SPECIAL LEAVE PETITION (CIVIL) Diary No.851/2020

(Arising out of impugned final judgment and order dated 01-05-2018 in C.O. No.456/2017 passed by the High Court at Calcutta)

**WEST BENGAL STATE ELECTRICITY
DISTRIBUTION CO. LTD.**

Petitioner(s)

VERSUS

SEVOKE PROPERTIES PRIVATE LTD.

Respondent(s)

(With appln.(s) for I.R. and IA No.92388/2020-CONDONATION OF DELAY IN FILING and IA No.92391/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.92389/2020-CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS and IA No.92398/2020-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 27-10-2020 This petition was called on for hearing today.

CORAM :

**HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MS. JUSTICE INDU MALHOTRA
HON'BLE MS. JUSTICE INDIRA BANERJEE**

For Petitioner(s) Mr. P.S. Narsimha, Sr. Adv.
Mr. Vishrov Mukherjee, Adv.
Mr. Girik Bhalla, Adv.
Ms. Aditi Tripathi, Adv.
Mr. Pukhrambam Ramesh Kumar, AOR

For Respondent(s)

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

- 1 There is a delay of 526 days in filing the Special Leave Petition. The delay has been satisfactorily explained. Hence, the delay in filing the Special Leave Petition is condoned. The delay of 219 days in re-filing the Special Leave Petition is also condoned.

- 2 The learned Single Judge of the Calcutta High Court has declined to interfere with the order of the Civil Judge, Senior Division, Jalpaiguri dated 7 September 2016, observing that while the trial Judge had accepted the report of the Commissioner for the purpose of valuation, a final decree of *mesne* profits is yet to be passed. Hence, the learned Single Judge observed that the petitioners would be at liberty, after the passing of the final decree, to pursue their remedies in accordance with law.
- 3 The final decree that may be passed by the trial Judge on *mesne profits*, will be subject to the remedies available in law, including on the grounds which have been raised in the present proceedings. The petitioners would be heard before the passing of the final decree.
- 4 The Special Leave Petition is dismissed.
- 5 Pending application(s), if any, stand disposed of.

(Chetan Kumar)
A.R. -cum-P.S.

(Saroj Kumari Gaur)
Court Master