

(2012) 01 JH CK 0115
In the Jharkhand High Court
Case No : L.P.A. No. 268 of 2006

The State of Jharkhand and Others

APPELLANT

Vs

M/s Domco Smokeless Fuels (P) Ltd.

RESPONDENT

Date of Decision : 10-01-2012

Acts Referred:

Citation : (2012) 01 JH CK 0115

Hon'ble Judges : Prakash Tatia, J;P.P. Bhatt, J

Bench : Division Bench

Final Decision : Allowed

Judgement

1. The order of this Court dated 20th June, 2007 has been set aside by the Hon'ble Supreme Court vide order dated 20th July, 2009, which is quoted hereinbelow :

Leave granted.

Heard learned counsel for the parties.

In the facts and circumstances of the case, we are of the view that the High Court was not justified in refusing to condone the delay of 154 days in filing the Letters Patent Appeal before it.

Accordingly, the appeal is allowed, impugned order is set aside, delay in filing the Letters Patent Appeal before the High Court is condoned and the matter is remitted to the High Court to decide the appeal on merits in accordance with law.

2. In view of the above reason, this Letters Patent Appeal is required to be heard on merits, ignoring the order of this Court dated 20th June, 2007, wherein some finding has been recorded relying upon the decision rendered in the case of Smt. Shanti Devi Prasad & another vs. State of Bihar and ors. (2001 [1] JCR 41).

3. Learned counsel for the State is directed to place on record the copy of the order passed by the Collector levying the Stamp duty.

4. Put up this matter on 24th January, 2012.