

ITEM NO.19

COURT NO.2

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

Petition(s) for Special Leave to Appeal (C) No(s). 9621/2023

(Arising out of impugned final judgment and order dated 28-04-2023 in APO No. 83/2020 passed by the High Court At Calcutta)

RT. REV. PARITOSH CANNING & ORS.

Petitioner(s)

VERSUS

ANIL RAJKUMAR MUKERJI & ORS.

Respondent(s)

(IA No.94485/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 18-05-2023 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH

For Petitioner(s) Mr. Sankalp Narain, Adv.
Mr. Rohit Amit Sthalekar, AOR
Mr. BP Tiwari, Adv.
Mr. Srivats Narain, Adv.

For Respondent(s) Mr. Shatadru Chakraborty, Adv.
Ms. Sonia Dube, Adv.
Ms. Kanchan Yadav, Adv.
Ms. Surbih Anand, Adv.
Mr. Tanishq Sharma, Adv.
M/s Legal Options

Mr. T. Mahipal, AOR

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

On 20.01.2023 in SLP [C] No.1758/2023, we had passed an order *qua* the matter in controversy. Suffice to say that we had noticed that the listing of the matter for 27 times before the Division Bench had produced no results. We had restrained ourselves

by pointing out that the Courts may have their own difficulties but since the issue related to an educational institution of boys and girls, an eminent one at that, we had expected the Bench to bestow consideration.

Six months down the line there is no change of scenario, except for the number of adjournments have been added to the already unending list of adjournments before that.

The petitioner had to again approach this Court and on 17.04.2023, while noticing its earlier order as also the fact that it may not be appropriate for us to deal with the issue on merits, this directed that the matter to be placed before the then Acting Chief Justice of the High Court so that the matter can be placed before a Bench which can take up the matter urgently and deal with it on merits. This order is stated to have been served in the office of the Acting Chief Justice on 19.04.2023. The matter, however, continued before the same Bench and the same saga continued of adjournments.

In view of the aforesaid, we have no other option but to draw a conclusion that for whatever reasons, the Bench constituted to hear this matter is unable to attend it.

We thus, request the Chief Justice of the High

Court to assign the matter to some other Bench which may be able to attend to the matter more expeditiously as certainly it is difficult to countenance a continued saga of adjournments over the last almost three years now, numbering almost 40.

Needless to say, we would expect the newly assigned Bench to attend to the matter promptly, especially taking into consideration the urgency requirement, the scope of the appeal and the previous saga of adjournments.

The Special Leave Petition stands disposed of in the aforesaid terms.

We are told that the proceedings virtually are being hampered. We fail to appreciate that as the counsels will have the option to either appear virtually or physically.

Pending application stands disposed of.

(ASHA SUNDRIYAL)
ASTT. REGISTRAR-cum-PS

(POONAM VAID)
COURT MASTER (NSH)