## IN THE HIGH COURT OF SIKKIM

### CIVIL JURISDICTION

Review Pet. (C) No. 02/2014 M/s. Summit Online Trade Solution Pvt. Ltd. & Ors. vs. State of Sikkim & Ors.

#### **BEFORE**

# HON'BLE THE ACTING CHIEF JUSTICE MR. JUSTICE S.K. SINHA

**01. 15.10.14** Present: Mr. Surajit Dutta, Ms. Binita Chhetri and Ms. Aruna Chhetri, Advocates for the Petitioners.

Mr. J.B. Pradhan, Addl. Advocate General with Mr. Karma Thinlay, Sr. Govt. Advocate, Mr. S.K. Chettri and Ms. Pollin Rai, Asstt. Govt. Advocates for the Respondents No. 1 and 2 on advance copy.

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Heard on admission.

Issue notice.

The notices on behalf of Respondents No. 1 and 2 are accepted by Mr. J.B. Pradhan.

Let steps be taken within 7 (seven) days for issuance of notices to Respondents No. 3 and 4.

List for further orders on 10.11.2014.

Acting Chief Justice 15.10.2014

Index: <del>Yes</del> / No pm/jk Internet: Yes / <del>No</del>

## IN THE HIGH COURT OF SIKKIM

### CIVIL JURISDICTION

CMA No. 318/2014 in Review Pet. (C) No. 02/2014 M/s. Summit Online Trade Solution Pvt. Ltd. & Ors. vs. State of Sikkim & Ors.

#### **BEFORE**

# HON'BLE THE ACTING CHIEF JUSTICE MR. JUSTICE S.K. SINHA

**01. 15.10.14** Present: Mr. Surajit Dutta, Ms. Binita Chhetri and Ms. Aruna Chhetri, Advocates for the Petitioners.

Mr. J.B. Pradhan, Addl. Advocate General with Mr. Karma Thinlay, Sr. Govt. Advocate, Mr. S.K. Chettri and Ms. Pollin Rai, Asstt. Govt. Advocates for the Respondents No. 1 and 2 on advance copy.

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Notices have already been issued on the Review Petition.

Heard on the Civil Misc. Application No. 318/2014.

Learned counsel for the Petitioners submits that the Petitioner No. 1 was not a party to W.P.(C) No. 35/2014, in which the impugned direction No. 3 (iv) was issued by this Court. He further submits that the aforesaid direction issued by this Court was not based on any finding but it was on the basis of agreement arrived at between the contesting parties of the said writ petition, that is to say, it was an agreed order not binding on the Petitioners. He further submits that clause 3 (iv) of the impugned judgment has a civil consequence *vis-à-vis* the

Petitioner No. 1 and when the said Petitioner was not

heard before passing of the said Judgment, there was

violation of principles of natural justice. He further

submits that the agreement entered into between the

Review Petitioner and the Government and the

agreement relating to the Writ Petition (C) No. 35/2014

are of two different categories, therefore, in this way also

clause 3 (iv) of the impugned Judgment will not be

affecting the agreement of Petitioner No.1.

Issue notices on this Application also.

Mr. J.B. Pradhan, learned Addl. Advocate General

accepts notices on behalf of Respondents 1 and 2. He

prays for and is granted three weeks time to file reply.

Let steps be taken within 7 (seven) days for issuance

of notices to Respondents 3 and 4.

List along with Review Petition (C) No. 02/2014 on

10.11.2014.

In the meanwhile, it is directed that the effect and

operation of clause (iv) of paragraph 3 of the impugned

Judgment shall remain stayed vis-à-vis the Petitioners till

the next date of hearing.

C.C. as per Rules.

Acting Chief Justice 15.10.2014

Index : <del>Yes</del> / No < Internet : Yes / <del>No</del>