

Gujarat High Court

Mundra vs Union on 4 August, 2008

Author: K.A.Puj,&NbspHonourable Mr.Justice Bankim.N.Mehta,&Nbsp
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SCA/9792/2008 3/ 3 ORDER

IN
THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL

CIVIL APPLICATION No.9792 of 2008

With

SPECIAL

CIVIL APPLICATION No.9806 of 2008

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MUNDRA

SEZ TEXTILE & APPAREL PARK PVT LTD - Petitioner

Versus

UNION

OF INDIA THROUGH MINISTRY OF COMMERCE & ORS. - Respondents

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Appearance :

MR

Vikram Nankani for M/S TRIVEDI & GUPTA for
Petitioners.

None for
Respondents.

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CORAM

:

HONOURABLE

MR. JUSTICE K. A. PUJ

and

HONOURABLE

MR.JUSTICE BANKIM N. MEHTA

Date

: 04/08/2008

ORAL

ORDER

(Per : HONOURABLE MR. JUSTICE K. A. PUJ) These two matters are earlier placed before a coordinate Bench of this Court consisting of Hon'ble Mr.Justice D.A.Mehta and Ms.Justice H.N.Devani. That Bench has passed following order on 30.07.2008:

?S1. The learned counsel for the petitioner states that issue involved in the present petition is identical to the issue involved in Special Civil Application No.9656 of 2008 with Special Civil Application No.9713 of 2008, which has been heard by a Coordinate Bench and an ad-interim order

is made on 25.07.2008.

2. In the circumstances, for the sake of uniformity and consistency, without expressing any opinion on merits, the Registry is directed to circulate this petition before the same Bench comprised of Brother Justice K.A.Puj and Justice Bankim N. Mehta, after obtaining necessary orders in this regard.??

Thereafter, with the permission of Hon'ble the Acting Chief Justice, the matters are placed before us.

2. Earlier on Friday, Mr.Harin P. Raval, learned Assistant Solicitor General, mentioned about these two matters, however, the matters were not listed. Today, Mr.Raval has filed sick-note for two days. Looking to the urgency in the matters, we are taking up the matters for hearing.

3. Heard Mr.Vikram Nankani, learned advocate for the petitioners. After our order dated 25.07.2008 passed in Special Civil Application Nos.9656 of 2008 and 9713 of 2008, our attention is drawn to order dated 24.07.2008 passed by Andhra Pradesh High Court in Writ Petition No.15773 of 2008 wherein under similar circumstances letter of Director, SEZ Section, Ministry of Finance, Government of India, dated 13.06.2008 addressed to the Development Commissioner and the consequential circular dated 09.07.2008 are stayed.

4. For the reasons stated by us in our order dated 25.07.2008, Rule be issued in both the matters. Notice as to interim relief returnable on 12.08.2008. Ad interim relief in terms of Paragraph 33(E)(iv) till then. Direct Service for Respondent Nos.3 to 5 is permitted.

[K.A.

Puj, J.] [Bankim N. Mehta, J.] Rajendra Top