**ITEM NO.17 COURT NO.1 SECTION IX**

**S U P R E M E C O U R T O F I N D I A**
**RECORD OF PROCEEDINGS**

**Petition(s) for Special Leave to Appeal (C) No.28472/2023**

**(Arising out of impugned final judgment and order dated 06-12-2023 in WP No.1124/2023 passed by the High Court of Judicature at Bombay)**

**HIKAL LIMITED Petitioner(s)**

**VERSUS**

**UNION OF INDIA & ORS. Respondent(s)**

**(With IA No.267506/2023-PERMISSION TO FILE ADDITIONAL DOCUMENTS/ FACTS/ANNEXURES)**

**Date : 05-01-2024 This petition was called on for hearing today.**

**CORAM :**
**HON'BLE THE CHIEF JUSTICE**
**HON'BLE MR. JUSTICE J.B. PARDIWALA**
**HON'BLE MR. JUSTICE MANOJ MISRA**

**For Petitioner(s)** Mr. Shyam Divan, Sr. Adv.
Mr. Joseph Pookkatt, Adv.
Mr. Nilesh Sharma, Adv.
Mr. Dhawesh Pahuja, Adv.
Mr. Jarin Doshi, Adv.
Mr. Akshay Patil, Adv.
M/s. AP & J Chambers

**For Respondent(s)**

Signature Not Verified
Digitally signed by CHETAN KUMAR
Date: 2024.01.09 16:28:26 IST
Reason:



This is a True Copy of the court records online. Authenticated @ https://eCourtsIndia.com/cnr/SCIN010534262023/truecopy/order-1.pdf

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

1 On 7 July 2023, the Division Bench of the High Court of Judicature at Bombay passed the following order in Writ Petition No 1124 of 2023, moved by the petitioner:

> "Mentioned out of turn. At the request of the learned Counsel for the Petitioner/Respondent, stand over to 2l/07 /2023. Ad-interim relief, if any, to continue till the next date."

2 An ad interim order had been passed earlier on 24 March 2023. An interlocutory application was moved before the High Court by the Gujarat State Pollution Board in which there was a prayer for vacating the interim order dated 24 March 2023 passed by the High Court in the writ petition. The reliefs which were sought in the interlocutory application were as follows:

> "(a) The Interim Order dated 24th March, 2023 passed by this Hon'ble High Court in the Writ Petition No.1124 of 2023 be recalled and/or vacated and the Writ Petition be dismissed with costs;
>
> (b) Alternatively to prayer (a), the aforesaid Writ Petition be heard and disposed off within a period of 2 weeks from the date of this Order;
>
> ..."

3 When the interlocutory application came up before the High Court, the Division Bench by its impugned order dated 6 December 2023 observed that since the original order of stay dated 24 March 2023 was extended on 7 July 2023, till the next date, which was 21 July 2023, the interim order had not been continued thereafter and, hence, the prayer in the interlocutory application for vacating the stay did not arise.



This is a True Copy of the court records online. Authenticated @ https://eCourtsIndia.com/cnr/SCIN010534262023/truecopy/order-1.pdf

4 The petitioner has submitted that in pursuance of the aforesaid order, the petitioner has been served with a demand.

5 From the above narration, it appears that both the parties were under the impression that the order of stay which was issued by the High Court was continuing in operation. The High Court has held to the contrary, while noting that the order was extended until the next date and since the next date was mentioned as 21 July 2023, the order came to an end on that day.

6 We are of the view that bearing in mind the situation which has emerged as noticed above, it would be appropriate to grant liberty to the petitioner to move the High Court of Judicature at Bombay in the pending writ petition either for extension of stay or for considering any fresh application in regard to the grant of interim relief. In order to enable the petitioner to do so and bearing in mind that the earlier order had remained in force for several months, no coercive steps be taken against the petitioner for a period of four weeks from the date of this order.

7 We clarify that the above ad interim relief has been granted by this Court without inquiring into the merits of the rival contentions of the parties and it would be entirely open to the High Court to take a considered view when the application is made before the High Court.

8 Subject to the above, the Special Leave Petition is disposed of.

9 Pending applications, if any, stand disposed of.

**(CHETAN KUMAR)**
**A.R.-cum-P.S.**

**(SAROJ KUMARI GAUR)**
**Assistant Registrar**



This is a True Copy of the court records online. Authenticated @ https://eCourtsIndia.com/cnr/SCIN010534262023/truecopy/order-1.pdf