SUPREME COURT OF INDIA RECORD OF PROCEEDINGS

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Miscellaneous Application No. 2045/2022 in Curative Petition D.No. 23828/2020 in R.P.(C)No.789/2019 in C.A.No.8450/2016

M/S. BRAHMAPUTRA CONCRETE PIPE INDUSTRIES Petitioner(s)

## VERSUS

THE ASSAM STATE ELECTRICITY BOARD Respondent(s)

(FOR ADMISSION and IA No.172121/2022-APPEAL AGAINST REGISTRARS ORDER XV RULE 5 )

WITH

MA 2046/2022 (XIV-A) (IA No. 171997/2022 - APPEAL AGAINST REGISTRARS ORDER XV RULE 5) MA 2047/2022 (XIV-A) (IA No. 171956/2022 - APPEAL AGAINST REGISTRARS ORDER XV RULE 5) MA 2048/2022 (XIV-A) (IA No. 171856/2022 - APPEAL AGAINST REGISTRARS ORDER XV RULE 5) MA 2049/2022 (XIV-A) (IA No. 171990/2022 - APPEAL AGAINST REGISTRARS ORDER XV RULE 5) MA 2050/2022 (XIV-A) (IA No. 172099/2022 - APPEAL AGAINST REGISTRARS ORDER XV RULE 5) Date : 23-01-2023 These matters were called on for hearing today. CORAM : HON'BLE MR. JUSTICE ANIRUDDHA BOSE HON'BLE MR. JUSTICE SUDHANSHU DHULIA For Petitioner(s) Mr. Anand Sanjay M Nuli, Adv. Mr. Dharm Singh, Adv. Mr. Nanda Kumar K B, Adv. M/S. Nuli & Nuli, AOR For Respondent(s)

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

In these appeals/matters, the petitioners argue that even if a review petition is heard and dismissed in open Court, the Registry

cannot refuse to accept a curative petition and reject at the thresh hold. The Registrar(J-IV) declined to register the curative petition on the ground that the review petitions of the appellants/petitioners were dismissed upon hearing in open Court. Such dismissal was not by circulation. The Registrar's order to that effect was passed on 31<sup>st</sup> October, 2022.

The learned counsel for the petitioner Shri Anand Sanjay M Nuli would argue that the conclusion reached by the Registry runs contrary to the decision of this Court in *Rupa Ashok Hurra v. Ashok Hurra and Anr.,* [(2002) 4 SCC, 388].

This matter(s) also requires interpretation of Rule 2(1) Order XLVIII of the Supreme Court Rules, 2013, it was urged. We have also been apprised at the Bar that there would be many other matters of similar nature, which are liable to be affected by any decision reached by this Court in this case. We hereby appoint Sh. Raju Ramachandran, Senior Advocate as Amicus Curiae to assist us in this matter(s). Let the Registry supply the entire documents to Sh. Raju Ramachandran within two days.

List this matter(s) on 30.01.2023.

(NIRMALA NEGI) COURT MASTER (SH) (VIDYA NEGI) ASSISTANT REGISTRAR

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