

T.S.SIVAGNANAM,J
AND
V.BHAVANI SUBBAROYAN,J

[Order of the Court was made by T.S.SIVAGNANAM,J]

This petition has been filed to take up the Review Application and hear the same on merits. In the affidavit filed in support of the petition there is a reference to the pendency of matter before the Hon'ble Supreme Court in the case of **Khoday Distilleries Ltd., Vs. Sri Mahadeshwara Sahakara Sakkare Karkhane Ltd.**

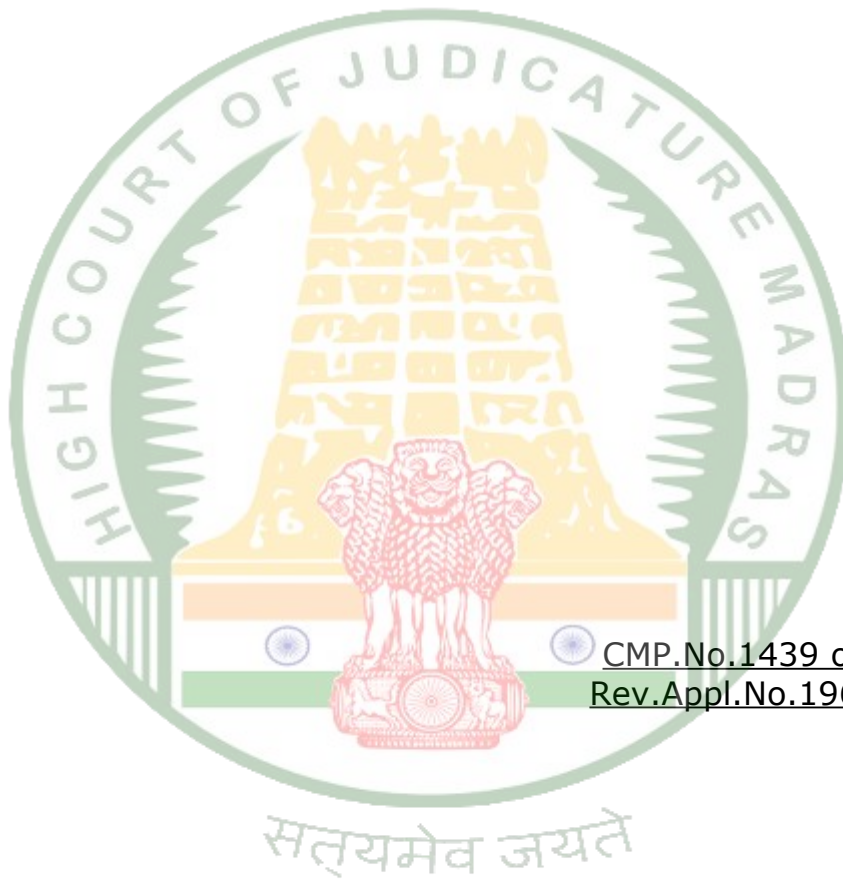
2. At the relevant time, the matter was pending reference before a larger Bench of the Hon'ble Supreme Court. The Hon'ble Supreme Court in C.A.No.2432 of 2019 dated 01.03.2019 has answered the reference holding that when the Special Leave Petition has been dismissed in *limine*, the Doctrine of Merger would not apply. Therefore, Review Application has to be heard on merits.

3. The learned counsel for the petitioner/workers union submits that the workers/union are desirous of filing counter affidavit in filing Review Application. In the light of the above, the Civil Miscellaneous Petition stands disposed of directing the Review Application to be listed for further directions on 10.06.2019. In the meantime, it is open to the workers/union to file counter affidavit in Review Application.

4. Hence, the civil miscellaneous petition is disposed of. Post the Review Application on 10.06.2019.

(T.S.S.J.) (V.B.S.J.)
01.04.2019

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CMP.No.1439 of 2019 in
Rev.Appl.No.196 of 2015

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