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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ LPA 250/2024 & C.M.Nos.18661-18663/2024

TRIMULA INDUSTRIES LIMITED

..... Appellant

Through: Mr.Ajit Kumar Sinha, Sr.Advocate
with Ms.Ashwarya Sinha, Advocate.

versus

UNION OF INDIA MINISTRY OF COAL & ORS.

..... Respondents

Through: Mr.Kirtiman Singh, CGSC with
Mr.Waize Ali Noor, Mr.Varun
Rajawat, Mr.Kartik Bajjal, Mr.Varun
Pratap Singh, Ms.Shreya V.Mehra
and Ms.Vidhi Jain, Advocates for
UOI.
Mr.Sanjeev Sagar, standing counsel
with Ms.Nazia Parveen, Advocate for
R-4.

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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28.03.2024

1. Present appeal has been filed challenging the order dated 14th March, 2024 passed by the learned Single Judge in W.P. (C) 3789/2024 whereby the learned Single Judge disposed of the said petition on the ground that an alternative remedy is available to the appellant under Section 27(3) of the Coal Mines (Special Provisions) Act, 2015. In fact, the impugned order records that the learned senior counsel for the appellant/ petitioner consented that he would avail the said remedy.



2. However, today Mr.Sinha, learned senior counsel for the appellant states that he had never made any such concession.
3. The law is well-settled that the Judges' record is conclusive. Neither a lawyer nor a litigant can claim to contradict it, except before the Judge himself, but nowhere else. (See: *State of Maharashtra vs. Ramdas Shrinivas Nayak and Another*, (1982) 2 SCC 463). Since in the present case no application for recall of the concession has been made before the learned Single Judge, the contention of the learned senior counsel for the appellant cannot be entertained.
4. At this stage, learned senior counsel for the appellant states that he would like to withdraw the present appeal with liberty to file an application seeking recall of the concession recorded by the learned Single Judge in the impugned order.
5. With the aforesaid liberty the present appeal and the applications are dismissed as withdrawn. This Court clarifies that it has not commented on the merits of the proposed application to be filed by the appellant.

ACTING CHIEF JUSTICE

MANMEET PRITAM SINGH ARORA, J

MARCH 28, 2024
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