

**SUPREME COURT OF INDIA**

State of W.B.

Versus

Kesoram Industries Ltd. and Others.

(S.P. Bharucha, V.N. Khare and D.P. Mohapatra, JJ)

Civil Appeal Nos. 1532-33 of 1993 with IAs Nos. 13-14 with  
SLPs (C) Nos. 3986 of 1993, 11596 of 1994, CAs Nos. 2350 of 1993,  
3518-19 of 1992, SLP (C) No. 17549 of 1994, CAs Nos. 7614 of 1994,  
844 of 1995, 5149-54 of 1992, SLP(C) No. 1069 of 1996  
with WPs (C) Nos. 247 and 412 of 1995.

12.10.1999

**JUDGMENT**

1. Greater emphasis has been placed by learned counsel for the state of West Bengal upon the judgment of a Bench of three learned Judges in *Goodricke Group Ltd. v. State of W.B.* quite apart from the fact that there are pending proceedings in this Court seeking to reconcile the judgment in *Goodricke* with that in *State of Orissa. Vs. Mahanandi Coalfields Ltd.* we find some difficulty in accepting as correct the view taken by *Goodricke* particularly having regard to the earlier decision (of a Bench of two learned Judges) in *Buxa Dooars Tea Co. Ltd. Vs. State of W.B.* We think, therefore, that these matters should be heard by a Constitution Bench.
2. The papers and proceedings may, accordingly, be placed before the Hon'ble the Chief Justice for appropriate directions.

Court Masters