

⌘

SLP(C)No. 1513 OF 2002  
ITEM No.203

Court No. 5

SECTION III  
A/N MATTER

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 (Civil) No.1513/2002

(From the judgement and order dated 09/10/2001 in OJC 13435/2000  
of The HIGH COURT OF ORISSA AT CUTTACK)

COMMNR. COMMERCIAL & SALES TAXES & ORS.

Petitioner (s)

VERSUS

M/S. ORIENT PAPERS MILLS & ANR.

Respondent (s)

with SLP(C)No.1898/2002

( With Appln(s). for intervention & intervention & With prayer for interim relief & office report )

and W.P(C)No.378/2002,W.P(C)No.674/2002, W.P(C)No.150/2003

(FOR FINAL DISPOSAL)

Date : 30/01/2004 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DORAISWAMY RAJU  
HON'BLE MR. JUSTICE ARIJIT PASAYAT

For Petitioner (s)Mr. TR Andhyarujina, Sr. Adv.  
Mrs. Kirti Renu Mishra,Adv.

For Respondent (s)Mr. Dinesh Dwivedi, Sr. Adv.  
Mr. P.N. Gupta,Adv.

For petitioners/Mr. Sunil Kr. Jain, Adv.  
RespondentsMr. Bibek Mohanti, Adv.

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

Arguments heard in SLP(C) Nos.1513/2003 and 1898/2002.

Judgment reserved.

....2/-

Writ Petition (C) Nos.378 & 674/2002 & 150/2003

These writ petitions appear to have been entertained in view of the pendency of SLP(C) Nos.1513/03 and 1898/02 wherein the scope of Section 14-C of the Orissa Sales Tax Act, 1947 was raised for consideration, and since the constitutional validity of the very provision was also raised in these writ petitions. Inasmuch as those SLPs have been segregated for being dealt with separately, there is no need to undertake, even at the first instance, to adjudicate as to the constitutional validity of the said provision permitting the writ petitioners to by pass the High Court in this regard. On this only ground these writ petitions are rejected giving liberty with the writ petitioners to vindicate their rights, if any and if so desired, before the High Court. As and when the writ petitioners choose to do so, it is always permissible for them to raise all such grounds as have been raised in these writ petitions and any further

grounds as are permissible in law, since we have not expressed any view on the merits of such contentions.

(D.L.Chugh)            (Vijay Aggarwal)  
Court Master            Court Master