

ÖITEM NO.301 COURT NO.3 SECTION XIV
SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

I.A. Nos.22 & 40 in C.A. No.3769/1996

BUFFALO TRADERS WELFARE ASSON.

Appellant (s)

VERSUS

U O I & ORS

Respondent(s)

(for intervention and directions)

WITH

WRIT PETITION(C) NO.370/2008 (FOR PREL. HEARING)

(with application for directions)

Date: 27/08/2008 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASHOK BHAN
HON'BLE MR. JUSTICE S.B. SINHA
HON'BLE MR. JUSTICE V.S.SIRPURKAR

For UOI Ms. Rekha Pandey, Adv.for
Mrs. Anil Katiyar, Adv.

For M.C.D. Mr. Mohan Parasaran, ASG
Mr. Sanjiv Sen, Adv.
Mr. Praveen Swarup, Adv.

Mr. Vishnu B.Saharya, Adv.for
M/s Saharya & Co.

For CPCB Mr. Vijay Panjwani, Adv.

Buffalo Traders Mr.Ajay Kr. Jha, Adv.
Assn. Miss Divya Sinha, Adv.for
M/s. Parekh & Co.

For Contractor Mr. Prashant Kumar, Adv.

For State of UP Mr. Shail Kr. Dwivedi, AAG
Ms. Savitri Pandey, Adv.for
Mr. Anuvrat Sharma, Adv.

In WP(C) No.370/2008 Mr. V.A.Bobde, Sr. Adv.
Mr.Shakil Ahmad Syed, Adv.
Mr. Syed Ahmad Saud, Adv.
Mr. Syed Ahmad Faizy, Adv.

UPON hearing counsel the Court made the following
ORDER

Pursuant to our order dated 24th July, 2008, Committee appointed by us has submitted its report determining the total cost of the project to Rs.132.23 crores. Committee has also recommended that over and above the amount being determined by the Committee, taxes like VAT and Service Tax, as applicable and land filling charges at Ghazipur and the charges for removal of scrap at Idgah, if any, will have to be paid extra.

Learned counsel appearing for MCD has handed over two demand drafts, bearing Nos.589387 and 891658 dated 26th August, 2008 for Rs.1,21,71,706/- and 1,69,63,367/- respectively drawn on State Bank of India, Chandni Chowk, Delhi, to the counsel appearing for the contractor towards part payment of taxes paid by the contractor. He further assures us that the balance amount of the total cost of the project, as determined by the Committee appointed by this Court, taxes after re-adjustment and land filling charges at Ghazipur and the charges for removal of scrap at Idgah, if any, shall be paid to the contractor within two weeks from today.

Counsel appearing for the contractor has handed over a copy of the

letter received from the office of the VATO, Ward-84, Department of Trade & Taxes, Vyapar Bhawan, I.P.Estate, New Delhi to the learned counsel appearing for MCD vide which the contractor has been asked to pay interest and penalty on the delayed payment of VAT. Learned counsel for MCD seeks time to get instructions.

Central Pollution Control Board would be at liberty to go and inspect the Slaughter House & Rendering Plant at Ghazipur.

To come up on 10th September, 2008 at 10.30 a.m.

Writ Petition @ No.370 of 2008

The Writ Petition is dismissed as withdrawn reserving liberty with the petitioners to approach the MCD.

(Parveen Kr. Chawla)
Court Master

(Savita Sainani)
Court Master