

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

CIVIL APPEAL NO. 3383 OF 2004

GREAT EASTERN SHIPPING CO. LTD.

Appellant(s)

VERSUS

STATE OF KARNATAKA & OTHERS

Respondent(s)

(with prayer for interim relief and office report)

Date: 19/07/2006 This Appeal was mentioned today.

CORAM: HON'BLE MR. JUSTICE ASHOK BHAN

HON'BLE MR. JUSTICE MARKANDEY KATJU

For Appellant(s)

Mr. R.F.Nariman, Sr. Adv.

Mr. E.C. Agrawala, Adv.

Mr. Mahesh Agarwal, Adv.

Mr. Rishi Agrawal, Adv.

Mr. Kavin Gulati, Adv.

For Respondent(s)

Mr. Sanjay R. Hegde, Adv.

for UOI

Mr. Gopal Subramanium, ASG

Mr. T.S. Murthy, Adv.

UPON hearing counsel the Court made the following

O R D E R

The important question of law involved in the present case is as to

whether the Territorial Waters of India are within the exclusive jurisdiction

of the Union of India and the Union of India alone has the power to

legislate or impose tax on goods which are within the Territorial Waters as

against the stand taken by one of the coastal States i.e. State of Karnataka

and held by the High Court that the individual Coastal States have the

rights to make laws up to 12 nautical miles touching the State, the State

would also have the right to make laws being part of the territory of that

State.

Union of India though a party had not put in appearance before

the High Court. Notice was issued in the present appeal as well to the

Union of India but perhaps as the Union of India was not represented

before the High Court the Union of India has not put in appearance before

us as well. Looking to the importance of question involved and its

ramifications, in our view, the assistance of the Union of India is required

for proper adjudication of the point and the dispute involved. We sent for

Mr. Gopal Subramaniam, the learned ASG. He seeks time to get

instructions and file a detailed affidavit setting out the stand of the Union

of India.

Six weeks for the Union of India to put on record its r

reply. We

would request Mr. Gopal Subramaniam, the learned ASG to appear in this case.

Adjourned by eight weeks.

(Parveen Kr. Chawla)

Court Master

(Kanwal Singh )

Court Master