

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 3478-3479 OF 2005

|Bharat Sanchar Nigam Ltd.

|.. Appellant(s)

Versus

|State of U.P. & Ors.

|.. Respondent(s)

WITH

CIVIL APPEAL NOS. 3501-3502 OF 2005
CIVIL APPEAL NOS. 3503-3504 OF 2005
CIVIL APPEAL NOS. 3505-3506 OF 2005
CIVIL APPEAL NOS. 3507-3508 OF 2005
CIVIL APPEAL NOS. 3509-3510 OF 2005
CIVIL APPEAL NOS. 3511-3512 OF 2005
CIVIL APPEAL NOS. 3513-3514 OF 2005
CIVIL APPEAL NOS. 3515-3516 OF 2005
CIVIL APPEAL NOS. 3517-3518 OF 2005
CIVIL APPEAL NOS. 3519-3520 OF 2005
CIVIL APPEAL NOS. 3521-3522 OF 2005
CIVIL APPEAL NOS. 3523-3524 OF 2005
CIVIL APPEAL NOS. 3525-3526 OF 2005
CIVIL APPEAL NOS. 3527-3528 OF 2005
CIVIL APPEAL NOS. 3529-3530 OF 2005

AND WITH

CIVIL APPEAL NOS. 3531-3532 OF 2005

O R D E R

1. Since the issues involved in all these appeals are similar, we take Civil Appeal Nos. 3478-3479 of 2005 as the lead case.

2. The appellant is a company incorporated under the Companies Act, 1956 and is a telecom service provider, licenced by the Government of India to provide telecommunication services to consumers all over the country except the metro cities of Delhi and Mumbai. The appellant Company is the successor in interest of the Department of Telecommunications.

3. The Assessing Authority assessed the total tax liability of Rs.12,59,714.40/- for the assessment year 2003-2004, vide assessment order dated 27.11.2003. The said assessment was on the levy and collection of local sales tax on the telecommunication services provided by the appellant company.

4. Aggrieved by the aforesaid assessment order, the appellant preferred first appeal before the Joint Commissioner (Appeals) Trade Tax in Appeal No. 2 of 2004. The appellate authority dismissed the appeal preferred by appellant vide order dated 16.01.2004. Aggrieved by the order passed by the Appellate Authority in first appeal the appellant preferred second appeal before the Trade Tax Tribunal.

5. The Trade Tax Tribunal vide orders dated 30.11.2004, also dismissed the appeal filed by the appellant. Aggrieved by the orders so passed by the Tribunal the appellant preferred Tax Revision Case before the High Court.

6. Along with Tax Revision Case, the appellant also filed an application seeking an interim order for grant of stay on the demand notices issued by the Assessing Authority for collection of sales tax on the telecommunication services. The High Court after considering the plea of the appellant in this matter along with other connected matters had passed a conditional interim order by staying the demand notices subject to depositing 25% of the amount demanded in the demand notices/ rejecting the request of the appellant for an interim order. Aggrieved by the orders so passed by the High Court the appellant is before us in this appeal.

7. Heard learned counsel for the parties to the lis.

8. This Court vide order dated 12.05.2005, while entertaining the special leave petition along with other petitions, while granting leave has stayed the interim order(s) passed by the High Court. Those interim order(s) are still operating against the respondent(s) herein.

9. It is not in dispute nor it can be disputed that the Tax Revision cases filed by the appellant are still pending before the High Court, may be because of the pendency of appeal(s) before us.

10. At this stage, we do not intend to go into the correctness or otherwise of the impugned order(s) passed by the High Court. In our opinion, it is suffice to request the High court to consider and decide the Tax Revision cases filed by the appellant which are pending before it for the last eight years, as expeditiously as possible.

11. In view of the above, we dispose of these appeals with a request to the High Court to dispose of the pending Trade Tax Revision cases, as expeditiously as possible, at any rate, within 12 months from the date of receipt of copy of this Court's order.

12. We clarify that the interim order granted by this Court while granting leave shall enure to the benefits of the appellant till the disposal of Trade Tax Revision cases filed by the appellant.

13. All the contentions of all the parties are kept open.

Ordered accordingly.

C. A. NOS. 3501-3502 OF 2005
C. A. NOS. 3503-3504 OF 2005
C. A. NOS. 3505-3506 OF 2005
C. A. NOS. 3507-3508 OF 2005
C. A. NOS. 3509-3510 OF 2005
C. A. NOS. 3511-3512 OF 2005
C. A. NOS. 3513-3514 OF 2005
C. A. NOS. 3515-3516 OF 2005
C. A. NOS. 3517-3518 OF 2005
C. A. NOS. 3519-3520 OF 2005
C. A. NOS. 3521-3522 OF 2005
C. A. NOS. 3523-3524 OF 2005
C. A. NOS. 3525-3526 OF 2005
C. A. NOS. 3527-3528 OF 2005
C. A. NOS. 3529-3530 OF 2005

AND WITH C. A. NOS. 3531-3532 OF 2005

In view of the orders passed in Civil Appeal Nos. 3478-3479 of 2005, these appeals are also disposed of in the same terms, observations and directions.

.....J.

[H. L. DATTU]

.....J.

[S. A. BOBDE]

NEW DELHI,
JANUARY 29, 2014.

ITEM NO.122

COURT NO.3

SECTION IIIA

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

CIVIL APPEAL NO(s). 3513-3514 OF 2005

BHARAT SANCHAR NIGAM LTD.

Appellant (s)

VERSUS

STATE OF U.P. & ORS.

Respondent(s)

(With appln(s) for permission to submit additional document(s) and office report)

Date: 29/01/2014 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.L. DATTU

HON'BLE MR. JUSTICE S.A. BOBDE

For Appellant(s) Mr. Gaurav Sharma, Adv.
Mr. T. Bhatia, Adv.
Mr. Abhinav Mukerji, Adv.

For Respondent(s) Mr. Sanjay Visen, Adv.
Mr. Sandeep Singh, Adv.
Mr. Ravi Prakash Mehrotra, Adv.
Mr. Kamlendra Mishra, Adv.

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

In view of the orders passed in C.A. Nos.3478-3479 of 2005, these appeals are disposed of in the same terms, observations and directions.

| [Charanjeet Kaur] | | [Vinod Kulvi] |
|Court Master | |Asstt. Registrar |

[Copy of Signed order is placed on the file]