

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).10103/2007

(From the judgement and order dated 19/12/2006 in RA No. 277/2006 in WP No. 624/2005 of the HIGH COURT OF UTTARANCHAL AT NAINITAL)

SHREE SIDHBALI STEELS LTD.

Petitioner(s)

VERSUS

SECRETARY (TRU) & ORS.

Respondent(s)

(With application for c/delay in filing SLP and with prayer for interim relief and office report)

Date: 03/10/2007 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.B. SINHA
HON'BLE MR. JUSTICE H.S. BEDI

For Petitioner(s) Mr. Rakesh Dwivedi, Sr.Adv.
Mr. S.C. Maheshwari, Sr.Adv.
Mr. Vipul Maheshwari, Adv.
Ms. Sandhya Goswami, Adv.

For Respondent(s) Mr. Gaurav Aggarwal, Adv.
Mr. B. Krishna Prasad, Adv.

Mr. B.V. Balaram Das, Adv.

UPON hearing counsel the Court made the following
ORDER

Delay condoned.
Leave granted.
Civil Appeal No.1016/2007 is taken on board.
Heard the learned counsel for the parties.
The appeals are disposed of in terms of the signed order.

(A.S. BISHT)
COURT MASTER

(PUSHAP LATA BHARDWAJ)
COURT MASTER

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 4643 OF 2007
[Arising out of SLP(C) No. 10103/2007]

SHREE SIDHBALI STEELS LTD.

... APPELLANT(S)

:VERSUS:

SECRETARY AND ORS.

... RESPONDENT(S)

ORDER

Leave granted.

As we have noticed the history of grant of exemption from payment of Central Excise in Civil Appeal No.1413/2007 (disposed of on 27.9.2007), it is not necessary to repeat the same once over again. Suffice it to say that the appellant company is aggrieved by the action of the respondents herein that in Annexure-II to the notification dated 10.6.2003, Khasra Nos. 6 & 7 had been mentioned which according to the appellant herein should be Khatauni Nos. 6 & 7 appertaining to Khasra Nos. 46, 47 & 52.

Mr. Rakesh Dwivedi, learned senior counsel appearing on behalf of the appellant states that in fact mentioning of Khasra numbers and not Khatauni numbers in the said notification stands supported by the recommendations of the State Government of Uttaranchal as also that of the nodal agency SIDCUL. Learned senior counsel also points out that in fact the appellant's industry is the only industry in the village which is entitled to grant of exemption from payment of Central Excise.

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We, therefore, are of the opinion that interest of justice would be subserved if the impugned judgment is set aside and the matter is remitted to the High Court for consideration thereof afresh.

As the Union of India has also preferred an appeal against the said judgment, being C.A. No.1016/2007, we treat the same on Board and allow the said appeal also. We make it clear that we have not expressed any opinion on the merit of the matter.

We would, however, request the High Court to consider the desirability of disposing of the matter as expeditiously as possible, preferably within a period of three months from the date of communication of this order.

The appeals are disposed of accordingly.

.....J
(S.B. SINHA)

.....J
(H.S. BEDI)

NEW DELHI,
OCTOBER 3, 2007.