

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. 4233 OF 2007

STATE OF TAMIL NADU & ANR.

Appellant (s)

VERSUS

INDIA CEMENTS LTD. & ANR.

Respondent(s)

(With office report)

WITH

SLP(C) NO. 23959-23968 of 2007

(With appln. for c/delay in filing SLP and exemption from filing c/c of the impugned judgment and permission to file additional documents and directions and with office report)

Date: 17/03/2011 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE D.K. JAIN

HON'BLE MR. JUSTICE H.L. DATTU

For Appellant(s)

Mr. Rajiv Dutta, Sr. Adv.
Mr. R. Nedumaran, Adv.
Mr. Dushyant Kumar Singh, Adv.
Mr. C. Thiruppathi, Adv.

For Respondent(s)
In CA 4233/07
(rr.1)

Mr. M Chandrasekharan, Sr. Adv.
Mr. Hari Shankar K, Adv.
Mr. Vikas Singh Jangra, Adv.

In SLP(C)
23959-23968/07
(rr.1)

Mr. S.K. Bagaria, Sr. Adv.
Mr. Kavin Gulati, Adv.
Mr. Praveen Kumar, Adv.
Mr. Kumar Rajesh Singh, Adv.
Ms. Ruby Singh Ahuja, Adv.
Ms. Ruchira Gupta, Adv.
Ms. Deepti Sarin, Adv.
Mr. Siddhanth Kochhar, Adv.
Mr. Manu Agarwal, Adv.

..2/-

: 2 :

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

SLP(C) Nos.23959-23968 OF 2007 (Assistant Commissioner vs. M/s Hindustan Motors Ltd.)

Respondent No. 2, being a pro forma respondent, service of notice is not necessary.
Delay condoned.

Heard learned counsel for the parties.

Having regard to the fact that before the High court it was conceded by the learned Additional Advocate General that the production and sale volumes of earth moving equipments could not be equated with that of the Lancer cars, which were to be manufactured

in the car unit, no fault can be found with the view expressed by the High Court that the condition imposed by SIPCOT in para 10 of the eligibility certificate with regard to BPV/BSV was irrational, unreasonable and arbitrary and therefore it could not be enforced. That being the sole issue raised in the present special leave petitions, we do not find any ground to interfere with the impugned order. There is no merit in these special leave petitions, which are dismissed accordingly.

In view of the fact that we have declined to entertain the special leave petitions, the revenue shall undertake and complete the exercise, as directed in clause (c) of para IX of the impugned judgment (page 137) within three months from today.

..3/-

: 3 :

In light of the order passed in the special leave petitions, no separate orders are called for in I.A. Nos. 31-48 of 2010, which stand disposed of accordingly.

C.A. No. 4233 of 2007 (State of Tamil Nadu & Anr. vs. India Cements Ltd & Anr.)

Hearing concluded.

Judgment reserved.

[Charanjeet Kaur]
Court Master

[Kusum Gulati]
Court Master