

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

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil)...../2006

CC 4838/2006

(From the judgement and order dated 27/28.06.2006 in SCA No. 9380/2006
of The HIGH COURT OF GUJARAT AT AHMEDABAD)

M/S. NIRMA LTD. & ANR.

Petitioner(s)

VERSUS

COMMNR. OF SALES TAX & ANR.

Respondent(s)

(With appln(s) for permission to file SLP and prayer for interim relief)

Date: 29/06/2006 This Petition was called on for hearing today.

CORAM :

HON'BLE Dr. JUSTICE AR. LAKSHMANAN

HON'BLE MR. JUSTICE ALTAMAS KABIR

(VACATION BENCH)

For Petitioner(s)

Mr. Dushyant Dave, Sr. Adv.

Mr. Ramesh Singh, Adv.

Mr. S. Udaya Kumar Sagar, Adv.

Ms. Bina Madhavan, Adv.

Mr. Hemal K. Sheth, Adv.

Mr. Hari Kumar G., Adv.

for M/S. Lawyer'S Knit & Co,Adv.

For Respondent(s)

UPON hearing counsel the Court made the following

O R D E R

I.A. Ordered.

Liberty to file certified copy of the impugned order as soon as it is

furnished to the petitioner herein is granted.

We have heard Mr. Dushyant Dave, learned Senior Counsel for the

petitioner at length. Though the Notice dated 1st March, 2005 (Annex. P-5 to the

present S.L.P.) is termed as Show Cause Notice, in our view it has decided the issue

finally at that stage. The petitioner moved the High Court and prayed for interim

relief directing the respondents to not initiate and proceed further with the

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assessment process and pass any order or take any action in pursuance of the

impugned show cause notice. This prayer was made in para 9(g), which was

granted by the High Court on 29.4.2006 and continued on 1.5.2006. After

extending the interim order by order dated 1.5.2006, the High Court dismissed the

writ petition and vacated the interim order.

Since an arguable case has been made out by the learned Senior

Counsel, we order notice to the respondents returnable within six weeks and grant

interim stay of the impugned Demand Notice in terms of High Court order. Dasti,

in addition, is permitted.

(A.D. Sharma)

Court Master

(Phoolan Wati Arora)

Court Master