

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) No(s).21950/2009

(From the judgement and order dated 28/08/2008 in TRC No.  
90/2008 of The HIGH COURT OF A.P AT HYDERABAD)

STATE OF A.P. Petitioner(s)

VERSUS

M/S JASPER INDUSTRIES P.LTD. Respondent(s)

(With prayer for interim relief )

Date: 05/01/2011 This Petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE MUKUNDAKAM SHARMA  
HON'BLE MR. JUSTICE ANIL R. DAVE

For Petitioner(s) Mr.I. Venkatanarayana,Adv.  
Mr.G.N.Reddy,Adv.  
Mr.V.Pattabhiram,Adv.  
  
Ms. C.K. Sucharita,Adv.

For Respondent(s) Mr.S.Ganesh,Sr.Adv.  
Mr.V.Madhukar,Adv.  
Ms. Hemantika Wahi,Adv.  
Ms.Nupur Kanungo,Adv.

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

Leave granted.

The appeal is disposed of in terms of the signed order.

(KUSUM SYAL)  
SR.P.A.

(RENU DIWAN)  
COURT MASTER

(Signed Order is placed on the file)  
IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 86 OF 2011  
(Arising out of SLP(C)No.21950 OF 2009)

STATE OF A.P. Appellant(s)

VERSUS

M/S JASPER INDUSTRIES P.LTD. Respondent(s)

O R D E R

Leave granted.

This appeal is directed against the judgment and order dated 28.8.2008 challenging the impugned order on the ground that the High Court has failed to give reasons for the conclusion arrived at, which are recorded in the last paragraph of the impugned judgment and order.

Counsel appearing for the respondent, however, sought to submit that the High Court has given reasons for its conclusion as it is stated at one place of the order that the price of the Passenger Car Division was indicated to be 77,50,000 equity shares of Rs.10/- each.

In our considered opinion, the aforesaid one sentence observation of the High Court cannot be said to be the reasons for arriving at the conclusion. It is necessary for the High Court to appreciate the facts and record categorical findings of the Court on the said factual aspects and give its reasons for arriving at the conclusion. After going through the entire

-2-

judgment, we find that the judgment is devoid of reasons and discussions. The High Court should have recorded findings on the factual aspect of the matter on the basis of which conclusion could be arrived at.

In that view of the matter, we set aside the judgment and order passed by the High Court and remit back the matter to the High Court for fresh consideration in accordance with law.

Counsel appearing for the respondent states that the issue raised in this appeal is covered by the two decisions of this Court. The said decisions may also be considered by the High Court while disposing of the tax revision. The record shall be transmitted immediately so that the High Court can take up the matter expeditiously.

The appeal is disposed of in terms of the aforesaid observations and directions.

.....J  
(DR.MUKUNDAKAM SHARMA)

.....J  
( ANIL R.DAVE)

NEW DELHI  
January 05, 2011