

ITEM NO.2

COURT NO.6

SECTION

XI,X,IVA,III,IIA,XVIA

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).11367/2007

(From the judgement and order dated 05/04/2007 in CMWP No.16488/2007 of
The HIGH COURT OF JUDICATURE AT ALLAHABAD)

KANHAIYA SINGH & ANR.

Petitioner(s)

VERSUS

STATE OF U.P.& ORS.

Respondent(s)

(With appln(s) for clarification of Court's order and with prayer for
interim relief and office report)
(For final disposal)

WITH

Civil Appeal Nos.2739-2762 of 2008

(With appln.(s) for directions and permission to file additional documents
and exemption from filing O.T. and c/delay and permission to file
addl.documents and exemption from filing O.T.)
(for final disposal)

Civil Appeal No.2737 of 2008

(With appln.(s) for exemption from filing O.T. and c/delay)
(for final disposal)

Civil Appeal No.2706 of 2008

(With appln.(s) for exemption from filing O.T. and c/delay)
(for final disposal)

Civil Appeal No.2733 of 2008

(With appln.(s) for exemption from filing O.T. and c/delay)
(for final disposal)

Civil Appeal No.2732 of 2008

(With appln.(s) for exemption from filing O.T. of the additional documents
and with prayer for interim relief and office report)
(for final disposal)

Civil Appeal No.2734 of 2008

(With appln.(s) for exemption from filing O.T. and c/delay
and permission to file additional documents and exemption from
filing O.T.)
(for final disposal)

SLP(C) No. 17666 of 2008

(with appln. for c/delay in filing SLP and office report)
(For final disposal)

S.L.P.(C) No.13411 of 2008

(With appln.(s) for permission to place addl. documents on record
and exemption from filing O.T. and c/delay in filing addl. documents and
prayer for interim relief and office report)
(For final disposal)

S.L.P.(C) No.13772 of 2008

(With appln.(s) for intervention and office report)
(For final disposal)

W.P.(C) No.203/2009
(With appln.(s) for stay and office report)

S.L.P.(C) No.11923 of 2009
(With appln.(s) for exemption from filing O.T. and prayer for interim relief and office report)
(For final disposal)

S.L.P.(C) No.17572 of 2009
(With prayer for interim relief and office report)

S.L.P.(C) No.22635 of 2008
(With appln.(s) for c/delay in filing SLP and office report)
(For final disposal)

S.L.P.(C) No.10601 of 2008
(With office report)

S.L.P.(C) No.29725 of 2009
(With appln.(s) for c/delay in filing SLP and office report)

S.L.P.(C) No.31868 of 2009
(With prayer for interim relief and office report)

CONMT.PET.(C) No.251 of 2008 in C.A. NO.2797 OF 2008
(With appln.(s) for exemption from filing O.T.)

S.L.P.(C) No.15896 of 2010
(With appln.(s) for c/delay in filing SLP and office report)

SLP(C) No. 10627-28 of 2008
(with appln. for c/delay in filing SLP and exem. from filing O.T. and permission to file addl. documents and office report)
(For final disposal)

S.L.P.(C) No.27487 of 2011
(With prayer for interim relief and office report)

S.L.P.(C) No.27511 of 2011
(With office report)

S.L.P.(C) No.27840 of 2011
(With prayer for interim relief and office report)

SLP(C) No. 31530-31532 of 2011
(With prayer for interim relief and office report)

SLP(C) No. 32620-32623 of 2011
(With prayer for interim relief and office report)

S.L.P.(C) Nos.34909-34916 of 2011
(With appln.(s) for directions and permission to file additional documents and permission to file Volume-II and prayer for interim relief and office report)

S.L.P.(C) Nos.146-147 of 2012
(With prayer for interim relief and office report)

S.L.P.(C) Nos.877-878 of 2012
(With prayer for interim relief and office report)

S.L.P.(C) No.1697 of 2012
(With appln.(s) for modification of Court's order and prayer for interim relief and office report)

S.L.P.(C) No.1822 of 2012
(With prayer for interim relief and office report)

S.L.P.(C) No.2081 of 2012
(With prayer for interim relief and office report)

S.L.P.(C) No.2082 of 2012
(With prayer for interim relief and office report)

S.L.P.(C) No.2236 of 2012
(With prayer for interim relief and office report)

S.L.P.(C) No.2399 of 2012
(With prayer for interim relief and office report)

S.L.P.(C) No.652 of 2012
(With prayer for interim relief and office report)

S.L.P.(C) No.738 of 2012
(With prayer for interim relief and office report)

S.L.P.(C) No.36272 of 2011
(With appln.(s) for modification of Court's order and prayer for interim relief and office report)

S.L.P.(C) Nos.134-136 of 2012
(With prayer for interim relief and office report)

S.L.P.(C) No.981 of 2012
(With appln.(s) for vacating stay and prayer for interim relief and office report)

S.L.P.(C) No.1169 of 2012
(With prayer for interim relief and office report)

S.L.P.(C) No.1031 of 2012
(With appln.(s) for permission to file additional documents and prayer for interim relief and office report)

SLP(C) No. 3490-3499 of 2012
(With appln. for permission to file lengthy list of dates and with prayer for interim relief and office report)

SLP(C) Nos. 3512-3524 of 2012
(With appln. for permission to file lengthy list of dates and with prayer for interim relief and office report)

SLP(C) Nos. 3624-3639 of 2012
(With appln. for permission to file lengthy list of dates and with prayer for interim relief and office report)

S.L.P.(C) No.948 of 2012
(With prayer for interim relief and office report)

S.L.P.(C) No.950 of 2012
(With prayer for interim relief and office report)

S.L.P.(C) No.1197 of 2012
(With prayer for interim relief and office report)

S.L.P.(C) No.1198 of 2012
(With prayer for interim relief and office report)

S.L.P.(C) No.1074 of 2012
(With prayer for interim relief and office report)

S.L.P.(C) No.1684 of 2012
(With prayer for interim relief and office report)

S.L.P.(C) No.1675 of 2012
(With appln.(s) for permission to file lengthy list of dates and prayer for interim relief and office report)

SLP(C) Nos. 2213-2220 of 2012
(With appln. for permission to file lengthy list of dates and with prayer for interim relief and office report)

SLP(C) Nos. 2938-2951 of 2012
(With appln. for permission to file lengthy list of dates and with prayer for interim relief and office report)

SLP(C) Nos. 3152-3164 of 2012
(With appln. for permission to file lengthy list of dates and with prayer for interim relief and office report)

SLP(C) Nos. 3189 of 2012
(With appln. for permission to file lengthy list of dates and with prayer for interim relief and office report)

SLP(C) Nos. 3192-3199 of 2012
(With appln. for permission to file lengthy list of dates and with prayer for interim relief and office report)

SLP(C) Nos. 3320-3338 of 2012
(With appln. for permission to file lengthy list of dates and with prayer for interim relief and office report)

S.L.P.(C) No.5558 of 2012
(With prayer for interim relief and office report)

S.L.P.(C) No.6144 of 2012
(With appln.(s) for vacating stay and prayer for interim relief and office report)

S.L.P.(C) No.6614 of 2012
(With prayer for interim relief and office report)

S.L.P.(C) Nos.4002-4008 of 2012
(With prayer for interim relief and office report)

S.L.P.(C) No.4761 of 2012
(With prayer for interim relief and office report)

S.L.P.(C) Nos.4882-4884 of 2012
(With prayer for interim relief and office report)

S.L.P.(C) No.6937 of 2012
(With prayer for interim relief and office report)

S.L.P.(C) No.7680 of 2012
(With appln.(s) for permission to file synopsis and list of dates and permission to file additional documents and prayer for interim relief and office report)

S.L.P.(C) Nos.6147-6171 of 2012
(With prayer for interim relief and office report)

S.L.P.(C) Nos.8465-8467 of 2012
(With appln.(s) for exemption from filing C/C of the impugned judgment and permission to file additional documents and office report)

S.L.P.(C) No.7491 of 2012
(With prayer for interim relief and office report)

SLP(C) No. 7702 of 2012
(With prayer for interim relief and office report)

S.L.P.(C) No.1398 of 2012
(With prayer for interim relief and office report)

SLP(C) No. 7199 of 2012
(With appln. for modification of court's order and with prayer for interim relief and office report)

SLP(C) No. 2433 of 2012
(With prayer for interim relief and office report)

SLP(C) No. 1874 of 2012
(With prayer for interim relief and office report)

SLP(C) No. 6532 of 2012
(With prayer for interim relief and office report)

S.L.P.(C) No.6588 of 2012
(With prayer for interim relief and office report)

S.L.P.(C) No.6715 of 2012
(With appln.(s) for modification of Court's order and prayer for interim relief and office report)

S.L.P.(C) No.5911 of 2012
(With prayer for interim relief and office report)

S.L.P.(C) Nos.6047-6050 of 2012
(With prayer for interim relief and office report)

S.L.P.(C) No.6822 of 2012
(With prayer for interim relief and office report)

S.L.P.(C) NO.18760 OF 2009
(With prayer for interim relief and office report)

S.L.P.(C) NO.18843 OF 2009
(With prayer for interim relief and office report)

S.L.P.(C) NO.17217 OF 2009
(With office report)

S.L.P.(C) NO.27771 OF 2009
(With prayer for interim relief and office report)

S.L.P.(C) No.12176 of 2012
(With appln.(s) for exemption from filing O.T. and office report)

SLP(C) No. 15445 of 2012
(with office report)

S.L.P.(C) No.14738 of 2012
(With appln.(s) for exemption from filing C/C of the impugned judgment and exemption from filing O.T. and modification of Court's order and office report)

S.L.P.(C) No.13148 of 2012
(With prayer for interim relief and office report)

S.L.P.(C) Nos.12808-12823 of 2012
(With appln.(s) for permission to file lengthy list of dates and exemption from serving notice and prayer for interim relief and office report)

S.L.P.(C) Nos.12989-13001 of 2012
(With appln.(s) for permission to file lengthy list of dates and prayer for interim relief and office report)

S.L.P.(C) Nos.13019-13022 of 2012
(With appln.(s) for permission to file lengthy list of dates and prayer for interim relief and office report)

S.L.P.(C) Nos.15405-15416 of 2012
(With office report)

S.L.P.(C) No.15417-15429 of 2012
(With office report)

S.L.P.(C) No.15430-15444 of 2012
(With office report)

S.L.P.(C) No.15446-15465 of 2012
(With office report)

S.L.P.(C) No.15466-15484 of 2012
(With office report)

S.L.P.(C) No.15485-15500 of 2012
(With office report)

S.L.P.(C) No.15501-15521 of 2012
(With office report)

S.L.P.(C) No.13640 of 2012
(With prayer for interim relief and office report)

SLP(C) No. 13656 of 2012
(With prayer for interim relief and office report)

S.L.P.(C) No.15522-15542 of 2012
(With office report)

S.L.P.(C) No.15543-15544 of 2012
(With office report)

S.L.P.(C) No.15545-15546 of 2012
(With office report)

S.L.P.(C) No.15547-15554 of 2012
(With appln.(s) for exemption from filing O.T. and exemption from filing
c/c of the impugned judgment and office report)

S.L.P.(C) No.15555-15562 of 2012
(With appln.(s) for exemption from filing O.T. and exemption from filing
c/c of the impugned judgment and office report)

S.L.P.(C) No.15563-15570 of 2012
(With appln.(s) for permission to file lengthy list of dates and exemption
from filing O.T. and exemption from filing c/c of the impugned judgment and
office report)

S.L.P.(C) No.15571-15582 of 2012
(With appln.(s) for exemption from filing O.T. and exemption from filing
c/c of the impugned judgment and permission to file lengthy
list of dates and office report)

S.L.P.(C) No.15583-15590 of 2012
(With appln.(s) for exemption from filing O.T. and exemption from filing
c/c of the impugned judgment and permission to file lengthy
list of dates and office report)

S.L.P.(C) No.15591-15603 of 2012
(With appln.(s) for exemption from filing O.T. and exemption from filing
c/c of the impugned judgment and permission to file lengthy
list of dates and office report)

S.L.P.(C) No.15611-15627 of 2012

(With appln.(s) for exemption from filing O.T. and exemption from filing c/c of the impugned judgment and permission to file lengthy list of dates and office report)

S.L.P.(C) No.15604-15610 of 2012

(With appln.(s) for exemption from filing O.T. and exemption from filing c/c of the impugned judgment and permission to file lengthy list of dates and office report)

S.L.P.(C) Nos.16951-16969 of 2012

(With appln.(s) for exemption from filing O.T. and exemption from filing c/c of the impugned judgment and modification of Court's Order and office report)

S.L.P.(C) No.16972 of 2012

(With appln.(s) for exemption from filing O.T. and exemption from filing c/c of the impugned judgment and office report)

S.L.P.(C) No.16973 of 2012

(With appln.(s) for exemption from filing O.T. and exemption from filing c/c of the impugned judgment and office report)

S.L.P.(C) Nos.16975-16984 of 2012

(With appln.(s) for exemption from filing O.T. and exemption from filing c/c of the impugned judgment and permission to file lengthy list of dates and office report)

S.L.P.(C) No.15721 of 2012

(With prayer for interim relief and office report)

S.L.P.(C) No.33163-33169 of 2012

(With appln.(s) for c/delay in filing SLP and exemption from filing O.T and exemption from filing c/c of the impugned judgment and directions and office report)

S.L.P.(C) No.33170-33174 of 2012

(With appln.(s) for c/delay in filing SLP and exemption from filing O.T.and exemption from filing c/c of the impugned judgment and permission to file lengthy list of dates and permission to file lengthy list of dates and office report)

S.L.P.(C) Nos.16987-16988 of 2012

(With appln.(s) for exemption from filing O.T. and exemption from filing c/c of the impugned judgment and office report)

S.L.P. (C)No. 16989-17001 of 2012

(with appln.(s) for exemption from filing O.T.and exemption from filing c/c of the impugned judgment and permission to file lengthy list of dates and office report)

S.L.P.(C) No.17003 of 2012

(With appln.(s) for exemption from filing O.T. and office report)

S.L.P.(C) Nos.17004-17015 of 2012

(With appln.(s) for exemption from filing O.T. and exemption from filing c/c of the impugned judgment and office report)

S.L.P.(C) Nos.17016-17026 of 2012

(With appln.(s) for exemption from filing O.T. and exemption from filing c/c of the impugned judgment and office report)

S.L.P.(C) Nos.15401-15402 of 2012

(With office report)

S.L.P.(C) No.15804 of 2012

(With appln.(s) for exemption from filing O.T. and office report)

S.L.P.(C) Nos.15795-15796 of 2012

(With appln.(s) for directions and office report)

S.L.P.(C) No.12948 of 2012
(With office report)

S.L.P.(C) Nos.21030-21031 of 2012
(With appln.(s) for c/delay in filing SLP and office report)

SLP(C) Nos. 23682-23695 of 2012
(with appln. for exem. from filing O.T. and exem. from filing c/c of the impugned judgment and permission to file lengthy list of dates and office report)

SLP(C) Nos. 23589-23598 of 2012
(with appln. for exem. from filing O.T. and exem. from filing c/c of the impugned judgment and permission to file lengthy list of dates and office report)

SLP(C) No. 23599-23610 of 2012
(with appln. for exem. from filing O.T. and exem. from filing c/c of the impugned judgment and permission to file lengthy list of dates and office report)

SLP(C) Nos. 24065-24073 of 2012
(With appln. for exem. from filing O.T. and exem. from filing c/c of the impugned judgment and office report)

SLP(C) Nos. 24075-24094 of 2012
(With appln. for exem. from filing O.T. and exem. from filing c/c of the impugned judgment and office report)

SLP(C) Nos. 26464-26470 of 2012
(With appln. for appropriate orders/directions and exem. from filing c/c of the impugned judgment and office report)

I.A. NOS.8-14 IN S.L.P.(C) NOS.26464-26470/2012
(for appropriate orders/directions and office report)

Civil Appeal No.2797 of 2008
(With appln.(s) for interim directions and directions and exemption from filing O.T. and impleadment/intervention and c/delay)
(for final disposal)

Civil Appeal No.2821 of 2008
(With appln.(s) for exemption from filing O.T. and c/delay)
(for final disposal)

Civil Appeal No.2820 of 2008
(With appln.(s) for exemption from filing O.T. of the addl. Documents)

(for final disposal)
Civil Appeal Nos.2862-2863 of 2008
(With appln.(s) for exemption from filing O.T. and c/delay)

Civil Appeal No.2819 of 2008
(With appln.(s) for exemption from filing O.T. and c/delay)
(for final disposal)

S.L.P.(C) Nos.9093-9094 of 2008
(With appln.(s) for exemption from filing O.T. and c/delay in filing addl. affidavit and prayer for interim relief and office report)
(For final disposal)

S.L.P.(C) No.22629 of 2008
(With appln.(s) for c/delay in filing SLP and c/delay in refiling SLP and

exemption from filing O.T. and office report)
(For final disposal)

S.L.P.(C) No.21844 of 2008
(With prayer for interim relief and office report)
(For final disposal)

Civil Appeal No.5652 of 2008
(With appln.(s) for exemption from filing O.T. and c/delay and with prayer
for interim relief and office report)
(for final disposal)

S.L.P.(C) No.24768 of 2008
(With appln.(s) for c/delay in filing SLP and office report)
(For final disposal)

S.L.P.(C) No.20675 of 2008
(With appln.(s) for exemption from filing O.T. and exemption from filing
affidavit and office report)
(For final disposal)

S.L.P.(C) No.22322 of 2008
(With office report)
(For final disposal)

S.L.P.(C) No.19445 of 2004
(With appln.(s) for c/delay in filing counter affidavit and prayer
for interim relief and office report)
(For final disposal)

S.L.P.(C) No.26273 of 2004
(With prayer for interim relief)
(For final disposal)

S.L.P.(C) No.24889 of 2004
(With prayer for interim relief)
(For final disposal)

S.L.P.(C) No.23547 of 2005
(With appln.(s) for c/delay in filing SLP and prayer for interim relief)
(For final disposal)

S.L.P.(C) No.24106 of 2007
(With appln.(s) for c/delay in filing SLP and c/delay in refiling
SLP and prayer for interim relief)
(For final disposal)

S.L.P.(C) No.2294 of 2008
(With appln.(s) for c/delay in filing SLP and office report)
(For final disposal)

S.L.P.(C) No.11846 of 2009
(With office report)
(For final disposal)

S.L.P.(C) No.21868 of 2010
(With appln.(s) for c/delay in filing SLP and office report)
(For final disposal)

S.L.P.(C) No.22363 of 2010
(With office report)
(For final disposal)

S.L.P.(C) No.12318 of 2009
(With appln.(s) for c/delay in filing SLP and office report)
(For final disposal)

S.L.P.(C) No.12530 of 2009
(With appln.(s) for c/delay in filing SLP and office report)
(For final disposal)

S.L.P.(C) No.21930 of 2009
(For final disposal)

S.L.P.(C) No.33180 of 2010
(With appln.(s) for c/delay in filing SLP and office report)
(For final disposal)

Civil Appeal No.1007 of 2011
(with appln.(s) for interim stay)

S.L.P.(C) No.18094 of 2011
(With appln.(s) for c/delay in filing SLP and office report)

S.L.P.(C)No. 26825 of 2011
(with appln.(s) for exemption from filing O.T.and c/delay in refiling SLP
and c/delay in filing SLP and office report)

Civil Appeal No.2047 of 2006
(With prayer for interim relief and office report)

SLP(C) Nos. 26610-26637 of 2012
(With appln. for exem. from filing O.T. and exem. from filing c/c of the
impugned judgment and office report)

SLP(C) Nois. 26662-26674 of 2012
(With appln. for exem. from filing O.T. and exem. from filing c/c of the
impugned judgment and office report)

SLP(C) Nos. 26639-26658 of 2012
(With appln. for exem. from filing O.T. and exem. from filing c/c of the
impugned judgment and office report)

SLP(C) Nos. 26555-26565 of 202
(With appln. for exem. from filing O.T. and exem. from filing c/c of the
impugned judgment and office report)

SLP(C) Nos. 27324 of 2012
(With appln. for c/delay in filing SLP and exem. from filing O.T. and
office report)

S.L.P.(C) No.27326 of 2012
(With appln.(s) for c/delay in filing SLP and exemption from
filing c/c of the impugned judgment and permission to file
additional documents and office report)

SLP(C) Nos. 27709-27720 of 2012
(With appln. for exem. from filing O.T. and exem. from filing c/c of the
impugned judgment and permission to accept lengthy list of dates and office
report)

SLP(C) Nos. 24222-24223 of 2012
(With appln. for c/delay in filing SLP and exem. from filing c/c of the
impugned order and exem. from filing O.T. and office report)

SLP(C) no. 24226 of 2012
(with appln. for c/delay in filing SLP and exem. from filing c/c of the
impugned order and exem. from filing O.T. and office report)

SLP(C) Nos. 30398-30533 of 2012
(With appln. for exem. from filing O.T. and exem. from filing c/c of the
impugned judgment and office report)

SLP(C) Nos. 30535 of 2012
(with office report)

SLP(C) No. 32029 of 2012
(With office report)

SLP(C) Nos. 34384 of 2012
(with appln. for exem. from filing O.T. and office report)

S.L.P.(C) Nos.8991-8995 of 2012
(With prayer for interim relief and office report)
(For final disposal)

S.L.P.(C) No.5760 of 2012
(With appln.(s) for permission to file additional documents and exemption from filing O.T. and exemption from filing c/c of the impugned judgment and modification of Court's Order and prayer for interim relief and office report)

T.P.(C) No.18 of 2012
(With appln.(s) for stay and office report)

T.P.(C) No.44 of 2012
(With appln.(s) for stay and office report)

T.P.(C) No.76 of 2012
(With appln.(s) for stay and office report)

T.P.(C) No.77 of 2012
(With appln.(s) for stay and office report)

T.P.(C) No.1650 of 2012
(With appln.(s) for stay and office report)

T.P.(C) No.1723 of 2012
(With appln.(s) for stay and office report)

SLP(C) Nos. 36975-36981 of 2012
(with appln. for c/delay in filing SLP and directions and office report)

SLP(C) No. 37576 of 2012
(with office report)

SLP(C) No. 37683 of 2012
(with office report)

SLP(C) Nos. 37685-37687 of 2012
(With appln. for c/delay in filing SLP and office report)

SLP(C) No. 4461 of 2013
(With appln. for c/delay in filing SLP and exem. from filing O.T. and exem from filing c/c of the impugned judgment and permission to file addl. documents and office report)

S.L.P.(C) No.6956 of 2008
(With appln.(s) for vacating stay and prayer for interim relief and office report)
(For final disposal)

S.L.P.(C) No.6958 of 2008
(With prayer for interim relief and office report)

S.L.P.(C) No.6959 of 2008
(With prayer for interim relief and office report)

S.L.P.(C) No.9523 of 2008
(With office report)

S.L.P.(C) No.8713 of 2008
(With office report)

SLP(C) No. 4943-4947 of 2013
(With appln. for exem. from filing O.T. and exem. from filing c/c of the

impugned judgment and permission to file lengthy list of dates and office report)

SLP(C) No. 34773-34775 of 2012
(With appln. for exem. from filing c/c of the impugned judgment and office report)

SLP(C) No. 12967-12988 of 2012
(With appln. for permission to file lengthy list of dates and with prayer for interim relief and office report)

SLP(C) Nos. 11917-11933 of 2013
(With appln. for c/delay in filing SLP and exem. from filing O.T. and exem. from filing c/c of the impugned judgment and permission to file lengthy list of dates and directions and office report)

SLP(C) No. 11395 of 2013
(with appln. for c/delay in filing SLP and office report)

SLP(C) No. 12577 of 2013
(with appln. for c/delay in filing SLP and exem. from filing c/c of impugned judgment and office report)

SLP(C) No. 12578 of 2013
(with appln. for c/delay in filing SLP and exem. from filing c/c of the impugned judgment and exem. from filing O.T. and deletion of proforma respondents and office report)

SLP(C) No. 13521 of 2013
(with appln. for c/delay in filing SLP and exem. from filing c/c of the impugned order and exem from filing O.T. and office report)

SLP(C)No. 13522 of 2013
(with appln. for c/delay in filing SLP and exem. from filing c/c of the impugned order and exem from filing O.T. and office report)

SLP(C)No. 13523 of 2013
(with appln. for c/delay in filing SLP and exem. from filing c/c of the impugned order and office report)

SLP(C) No. 13524 of 2013
(with appln. for c/delay in filing SLP and exem. from filing c/c of the impugned order and exem from filing O.T. and office report)

SLP(C) No. 16261-16283 of 2013
(with appln. for c/delay in filing SLP and exem. from filing c/c of the impugned order and exem from filing O.T. and permission to file addl. documents and office report)

SLP(C) No. 16285-16298 of 2013
(with appln. for c/delay in filing SLP and exem. from filing c/c of the impugned order and exem from filing O.T. and permission to file lengthy list of dates and office report)

SLP(C) No. 16299-16303 of 2013
(with appln. for c/delay in filing SLP and exem. from filing c/c of the impugned order and exem from filing O.T. and permission to file lengthy list of dates and office report)

SLP(C) No. 16316-16344 of 2013
(with appln. for c/delay in filing SLP and exem. from filing c/c of the impugned order and exem from filing O.T. and permission to file lengthy list of dates and office report)

SLP(C) No. 18661 of 2013
(With appln. for exem. from filing c/c of the impugned order and office report)

SLP(C) No. 18664 of 2013
(With appln. for exem. from filing c/c of the impugned order and exem. from filing O.T. and office report)

SLP(C) No. 18665 of 2013
(With appln. for exem. from filing c/c of the impugned order and exem. from filing O.T. and office report)

SLP(C) No. 22760 of 2013
(With appln. for exem. from filing c/c of the impugned order and exem. from filing O.T. and office report)

SLP(C) No. 22761 of 2013
(With appln. for exem. from filing c/c of the impugned order and exem. from filing O.T. and office report)

SLP(C) No. 32133 of 2012
(With appln. for c/delay in filing SLP and with prayer for interim relief and office report)

SLP(C) No. 30185 of 2012
(With prayer for interim relief and office report)

SLP(C) No. 5965 of 2012
(with appln. for permission to file addl. documents and with prayer for interim relief and office report)

SLP(C) No. 6807 of 2012
(With prayer for interim relief and office report)

Contempt Petition (C) No. 353 of 2013 in SLP(C) No. 13524 of 2013
(For final disposal)

SLP(C) Nos. 19075-19076 of 2012
(With appln. for exem. from filing c/c of the impugned judgment and office report)

SLP(C) No. 11380-11389 of 2013
(with appln. for exem from filing O.T. and exem. from filing c/c of the impugned judgment and office report)

SLP(C) No. 11392 of 2013
(With appln. for exem. from filing O.T. and office report)

S.L.P.(C) NO.16970 OF 2012
(With appln.(s) for c/delay in filing SLP and exemption from filing O.T.and exemption from form filing c/c of the impugned judgment and permission to file additional documents and office report)

SLP(C) No. 4832 of 2012
(with prayer for interim relief and office report)
Date: 29/10/2013 These Matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE T.S. THAKUR
HON'BLE MR. JUSTICE VIKRAMAJIT SEN

For the appearing parties:

Mr. Rakesh Dwivedi, Sr. Adv.
Mr. Gaurav Bhatia, AAG
Mr. Abhishek Chaudhary, Adv.
Mr. Adarsh Upadhayay, Adv.
Mr. Rishi Jain, Adv.
Mr. Shantanu Bansal, Adv.

Dr. A.M.Singhvi, Sr. Adv.
Mr. Sanjeeb Panigarhi, Adv.

Mr. L.Nidhi Ram Sharma, Adv.

Dr. Rajiv Dhawan, Sr. Adv.

Mr. Prashant Kumar, Adv.

Mr. Anurag Sharma, Adv.

Mr. Joseph Pokkatt, Adv.

Mr. Dinesh Dwivedi, Sr. Adv.

Mr. Prateek Dwivedi, Adv.

Mr. Manish Shankar Srivastava, adv.

Mr. Krishnan Mishra, adv.

Ms. Rachna Shrivastava, Adv.

Mr. B.S.Chahar, Sr. Adv.

Mr. V.K.Biju, Adv.

Mr. R.Balasubramanium, Adv.

Mr. S.Siddiqui, Adv.

Mr. D.S.Mahra, Adv.

Mr. V.A.Mohta, Sr. Adv.

Mr. Arjun Garg, Adv.

Mr. Mohit Singh, Adv.

Mr. S.P.Singh, Sr. Adv.

Ms. Abha R.Sharma, Adv.

Mr. Vikas Singh, Sr. adv.

Mr. S.K.Dhingra, Adv.

Ms. Shefali Mitra, Adv.

Mr. Vivek Tankha, Sr. Adv.

Mr. Mishra Saurabh, Adv.

Mr. Rishab Sanchety, Adv.

MS. Vanshaja Shukla, adv.

Mr. Ravindra Shrivastava, Sr.Adv.

Mr. Pawan Upadhayay, Adv.

Mr. K.P.Pathak, adv.

Mr. Anisha Upadhayay, adv.

Mr. Vijay Hansaria, Sr. Adv.

Mr. Gauav Jain, Adv.

Ms. Abha Jain, Adv.

Mr. M.L.Verma, Sr. Adv.

Mr. Suresh Singh, Adv.

Mr. Pawan Kumar, adv.

Mr. J.M.Sharma, Sr. Adv.

Mr. Ashwani Garg, Adv.

Mr. Nitin Singh, Adv.

Mr. R.K.Raizada, Sr. Adv.

Mr. Vivek Gupta, Adv.

Mr. Ajit Kumar Sinha, Sr. Adv.

Mr. T.G.N.Nair, Adv.

Mr. K.N.Madhusoodhanan, Adv.

Mr. Pawan Kr. Mishra, Adv.

Mr. Krishan Mishra, Adv.

Mr. Harshvir Pratap Sharma, Adv.

Mr. K.S.Rana, Adv.

Mr. Avijit Bhushan, Adv.

Ms. Laxmi Bai, Adv.

Ms. N.Annapoorani, Adv.

Ms. Rachna Shrivastava, Adv.
Mr. Kartikey Hari Gupta, Adv.

Mr. Jayant K.Mehta, Adv.
Mr. Anuj Kapoor, Adv.

Mr. S.K.Dhingra, Adv.
MS. Shefali Mitra, Adv.

Mr. Pankaj Bhatia, Adv.
Mr. Vivek Chaudhary, Adv.
Dr. Kailash Chanda, Adv.

Mr. N.D.B.Raju, adv.
Ms. Bharathi R., Adv.
Mr. N.Ganpathy, adv.

Mr. Jatinder Kumar Bhatia, Adv.
Mr. Mukesh Verma, Adv.

Mr. Tanmaya Agarwal, Adv.
Ms. Rachna Shrivastava, Adv.

Mr. Nishit Agarwal, Adv.
Mr. Vipin Kumar Jai, Adv.

Mr. Pramod Dayal, Adv.
Mr. Nikunj Dayal, Adv.
MS. Payal Dayal, Adv.

Mr. Arun Kathpalia, Adv.
Mr. D.Bharat Kumar, Adv.
Mr. Angad Mehta, Adv.
Mr. Balasubrahmanyam, Adv.
Mr. Joydip roy, Adv.
Mr. Sayooj Mohandas M., Adv.
Mr. Abhijit Sengupta, Adv.

Mr. Pankaj Kumar SIigh, Adv.

Mr. Praveen Jain, Adv.
Mr. Siddharth Jain, Adv.
Mr. S.K.Tyagi, Adv.

Mr. Arun K.Sinha, Adv.
Mr. Surender Kumar Gupta, Adv.

Mr.Rajesh Kumar, Adv.
Mr. Shutosh Thakur, Adv.
Me. Neeraj Shekhar, Adv.

Ms. Vanita Bhargavaa, Adv.
Mr. Ajay Bhargava, Adv.
Mr. Sushmit Pushkar, Adv.
Mr. Karun Mehta, Adv.

Mr. Bharat Sangal, Adv.
Ms. Saumya Agarwal, Adv.
Ms. Abenla Aier, Adv.
Ms. Srijana Lama, Adv.

Mr. T.S.Sidhu, Adv.
MS. Pallavi Mohan, Adv.
Mr. Gansuh Kamath, Adv.
Mr. Prateek Khanna, Adv.

Mr. Ajit Kumar Gupta, Adv.
Mr. Nitin Bhardwaj, Adv.
Ms. Mridula Ray Bhardwaj, Adv.

Ms. Vandana Sharma, Adv.
Dr. Kailash Chand, Adv.

Mr. Vikas Mishra, Adv.
Mr. Umesh Kumar Khaitan, Adv.

Mr. Siddharth Jain, Adv.
Mr. Kamal Mohan Gupta, Adv.

Mr. Nishit Agrawal, Adv.
Mr. Vipin Kumar Jai, Adv.

Mr. Akshat Shrivastava, Adv.
Mr. Siddharth Shrivastava, Adv.
Mr. Manjeet Kirpal, Adv.

MS. Alka Sinha, Adv.
Mr. Anuvrat Sharma, Adv.

Mr. Nitin Lonkar, Adv.
Mr. Amit Singh, Adv.
Mr. Udai Chandani, Adv.
Mr. Garvesh Kabra, Adv.
Mr. Anubhav Asthana, Adv.
Ms. Mukti Choudhary, Adv.

MS. Radhika Gautam, Adv.
Mr. Mahesh Agrawal, Adv.
Mr. Rishi Agrawala, Adv.
Mr. E.C. Agarwala, adv.
Ms. Mansi Kumar, Adv.

Mr. Bimal Roy Jad, Adv.

Mr. K.K. Mohan, Adv.

Mr. Manoj Prasad, Adv.

Mr. R.C. Kaushik, Adv.

Mr. R.D. Upadhyay, Adv.

Mr. R.P. Gupta, Adv.

Mr. Shrish Kumar Misra, Adv.

Mr. Yash Pal Dhingra, Adv.

Mr. Jitendra Mohan Sharma, Adv.

Mr. Ashok Kumar Singh, Adv.

Mr. Anil Kumar Jha, Adv.

Mr. Shiv Prakash Pandey, Adv.

Mr Pavan Kumar, Adv.

Mr. Kamal Mohan Gupta, Adv.

Mr. C.D. Singh, Adv.

Mr. Syed Shahid Hussain Rizvi, Adv.

Mr. Aniruddha P. Mayee, Adv.

Mr. Abhishth Kumar,Adv.
Ms. Sharmila Upadhyay,Adv.
Mr. T. Harish Kumar,Adv.
Mr.Manish Kumar Saran,Adv.
Mr.Jitendra Kumar,Adv.
Mr. Abhishek Chaudhary ,Adv.
M/S. Ap & J Chambers
Mr. Santosh Kumar Tripathi,Adv.
Mr. Vipin Kumar Jai,Adv.
Ms. E.R. Sumathy,Adv.
Ms. K.V.Bharathi Upadhyaya,Adv.
Mr. Aftab Ali Khan,Adv.
Mr. Pahlad Singh Sharma,Adv.
Mr. Abhishek Atrey,Adv.
Mr. Jayant Kumar Mehta,Adv.
Mr. Neeraj Shekhar,Adv.
Ms. Aruna Gupta,Adv.
Mr. Samir Ali Khan,Adv.
Mr. Shuvodeep Roy, ,Adv.
Mr. Garvesh Kabra,Adv.
Mr. Piyush Sharma,Adv.
Mr. Ravindra S. Garia,Adv.
Ms. Mukti Chowdhary,Adv.
Mr. Mishra Saurabh,Adv.
Mr. Arjun Garg,Adv.
Mr. Kaushal Yadav,Adv.
Mr. Arvind Kumar,Adv.
Mr. Pawanshree Agrawal,Adv.
Mr. Anuvrat Sharma,Adv.
Mr. Abhishek Chaudhary ,Adv
Mr. Bharat Sangal,Adv.
Mr. Jitendra Mohan Sharma,Adv.
Mr. Anil Kumar Jha,Adv.
Mr. Shiv Prakash Pandey,Adv.

Gp.Capt.Karan Singh Bhati,Adv.

Mr. Jatinder Kumar Bhatia,Adv.

Mr. Kamlendra Mishra,Adv.

Ms. Sharmila Upadhyay,Adv.

M/S. Khaitan & Co.,Adv.

Mr. Abhishek Chaudhary,Adv.

Ms. Pragati Neekhara,Adv.

M/S. M.V. Kini & Associates

Mr. M.R. Shamshad,Adv.

Ms. Mukti Chowdhary,Adv.

Ms. Manjeet Kirpal,Adv.

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

Learned counsel for the parties agree that the matters could be listed for final hearing in the month of February, 2014. They also undertake to complete the pleadings by that time.

List for final hearing in the month of February, 2014.

Mr. Rakesh Dwivedi, learned senior counsel for the State of U.P. has drawn our attention to the interim orders passed by this Court in these matters from time to time. He submits that there are essentially two category of cases that have arisen from the State of U.P. The first batch according to Mr. Dwivedi arises out of a judgment dated 27.04.2005 in Writ Petition No. 975 of 2004 by which a Division Bench of the High Court of Allahabad has upheld the constitutional validity of the 3rd amendment to U.P. Transit of Timber and other Forest Produce Rules, 1978. By that amendment, the State Government had enhanced the transit fee payable on transit of forest produce from ` 5/- to ` 38/- per ton of capacity per lorry. Mr. Dwivedi points out that the SLPs comprising the first batch of cases challenge the correctness of the order passed by the High Court and have been filed by the writ petitioners who failed before the High Court and who are engaged in transportation of forest produce from within and outside the State of U.P.

The second batch of cases arises out of another order dated 11.11.2011 by which a Division Bench of the High Court of Allahabad has struck down the 4th and 5th amendment to the Rules aforementioned. By the 4th amendment the State Government had enhanced the transit fee from ` 38/- to ` 200/75 per cubic meter capacity per lorry. By the 5th amendment, the said fee was further enhanced from 5% to 15% ad valorem on the value of the forest produce for transportation. Mr. Dwivedi submits that the appeals comprising the 2nd batch have been preferred against the said judgment in which the State has applied for an ad-interim stay of the operation of the judgment. No orders on the said application have however been passed by this Court. Several appeals arising out of the said judgment have also been filed by the private parties to the extent, the judgment of the High Court permits recovery of transit fee in terms of 3rd amendment at the rate of ` 38/- per ton of capacity per lorry.

A perusal of the orders passed by this Court from time to time in all these cases shows that there are three different kinds of orders that have been made. There are cases in which this Court has not passed any interim order in the appeals filed whether by the State or by the private parties. The second category comprises cases in which this Court has directed the

recovery of transit fee from the parties concerned to remain subject to the outcome of the petitions. The third category of cases comprises petitions in which this Court has granted unconditional stay against the recovery of transit fee from the parties concerned. Mr. Dwivedi submits that not only because this Court has passed different orders that need to be made uniform but also because of the financial implications, this court ought to pass orders that would serve the ends of justice and make an equitable arrangements avoiding further litigation in the matter.

He submits that while payments made to the State could always be refunded to those who make such payments it will be difficult for the State to recover the amount due from the parties concerned on account of the interim stay granted by this Court. He urged that this Court could direct vacation of the interim order where the same have been issued and permit the State to make recoveries at the rate stipulated by the Notification comprising the 4th and 5th amendment except where the material is exempted or where the material is an industrial byproduct like fly ash and klinker. Insofar as the rates are concerned he urged that the State was entitled to recover transit fee at the rate stipulated in the 3rd amendment which has since been upheld by the High Court in terms of its judgment impugned in the 1st batch of cases. He submitted that interest of the private parties could be sufficiently protected by this Court directing that in the event of private parties succeeding in these proceedings the amount deposited/paid by them shall be refunded to them with interest @ 9% p.a. from the date of the deposit till the actual refund.

Learned counsel appearing for the private parties on the other hand submitted that substantial questions of law arise for determination especially those touching the constitutional validity of the amendments and the Rules on the subject. It was contended that since the orders passed by this Court have remained in force for the past six years or so there is room for vacating or modifying the same. It was submitted that now that the writ petitions are being listed for final hearing in the month of February, 2014, the question of modification of the interim orders could be deferred till the matters came up for hearing.

We have given our anxious consideration to the submissions made at the Bar. It is true that the matters are now being listed for final hearing in the month of February, 2014. but it is equally true that the arrangements already made do not present a uniform and consistent picture even though the controversy involved is more or less the same in all these cases.

In some petitions, there is no interim order as noticed by us earlier. In some others the direction is that the party concerned would pay but any such payment would remain subject to the outcome of these SLPs. In the 3rd category of cases the recoveries have been stayed unconditionally. We see no justification for continuance of such varying arrangements having regard to the totality of the circumstances. We are, therefore, inclined to modify the orders suitably and the following effect:

- 1) The State shall be free to recover transit fee for forest produce removed from within the State of U.P. at the rate stipulated in the 3rd amendment to the Rules mentioned in the earlier part of this order.

- 2) Any such recovery shall remain subject to the ultimate outcome of present petitions pending in this Court.

- 3) In the event of writ petitioners/private parties succeeding in their cases, the amount deposited/recovered from them shall be refunded to them with interest at the rate of 9% p.a. from the date the deposit was made till actual refund.

- 4) The State shall maintain accurate amount of recovery made and the nature and the quantum/quantity of the produce removed by the private parties concerned.

- 5) Even in the 2nd batch of cases arising out of Writ Petition No. 975 of 2004 whereby the High Court has struck down the 4th and 5th amendment to the Rules, the State shall be free to make recoveries in terms of the 3rd amendment in regard to the forest produce removed from within the State of U.P. The

operation of the orders passed by the High Court shall to that extent remain stayed.

6) This modification shall not apply to exempted goods or industrial by products like Klinker and fly ash.

List SLP(C) No. 19445 of 2004, SLP(C) No. 24889 of 2004, SLP(C) No. 23547 of 2005, SLP(C) No. 24106 of 2007, SLP(C) No. 21868 of 2010, SLP(C) No. 22363 of 2010, SLP(C) No. 12318 of 2009, SLP(C) No. 12530 of 2009, SLP(C) No. 21930 of 2009, SLP(C) No. 26825 of 2011, SLP(C) No. 18094 of 2011, Civil Appeal No. 1007 of 2011, Civil Appeal No. 2047 of 2006, SLP(C) No. 2294 of 2008, SLP(C) No. 11846 of 2009 and SLP(C) No. 33180 of 2010 (relating to State of Uttarakhand) on 12.11.2013.

| (Shashi Sareen)
| Court Master

| (Veena Khera)
| Court Master

|