

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).17653/2009

(From the judgement and order dated 25/02/2009 in STRP No. 23/2007
of The HIGH COURT OF KARNATAKA AT BANGALORE)

J.K.INDUSTRIES LTD. Petitioner(s)

VERSUS

STATE OF KARNATAKA Respondent(s)

(With prayer for interim relief and office report)

WITH SLP(C) NO. 18595 of 2009

Date: 14/07/2011 These Petitions were called on for hearing today.

CORAM :

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

For Petitioner(s) Mr. Dushyant Dave, Sr. Adv.
Mr. S.N. Bhat, Adv.
Mr. D.R. Chaturvedi, Adv.
Mr. Ravi Panwar, Adv.

For Respondent(s) Ms. Anitha Shenoy, Adv.

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

Leave granted.

The appeals are allowed leaving the parties to bear their
own costs in terms of the signed order.

(DEEPAK MANSUKHANI) (RENU DIWAN)
Court Master Court Master

(The signed order is placed on the file)
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 5445 OF 2011
(Arising out of SLP(Civil) No. 17653 of 2009)

J.K.INDUSTRIES LTD. Appellant(s)

VERSUS

STATE OF KARNATAKA Respondent(s)

WITH

CIVIL APPEAL NO. 5446 Of 2011
(Arising out of SLP(Civil) No. 18595 of 2009)

O R D E R

Leave granted.

Since the two appeals involve similar issues, we, therefore, propose to dispose of both these appeals by this common judgment and order.

These appeals have been filed by the appellant being aggrieved by a common judgment and order passed by the Karnataka High Court on 25.2.2009. While issuing notice on these matters, we also directed the appellant to file affidavit including financial statement of the Company for the relevant period. Subsequently, we issued another direction to the appellant to file an affidavit of the Chartered Account. Such an affidavit along with affidavit enclosing financial statement of the Company have been filed by the appellant in this Court which have been examined by the counsel appearing for the respondent.

Having heard the learned counsel for the parties and upon going through the records including the affidavits filed pursuant to our orders, we feel that these materials now being made available are required to be reconsidered by the Tribunal since further relevant materials having considerable bearing on the dispute have been placed on record which require re-appreciation by the Tribunal. Consequently, we set aside the order passed by the High Court dated 25.2.2009 as also the order passed by the Tribunal dated 20.10.2005 and the matter is remitted back to the Tribunal for fresh consideration of the disputes between the parties, and render a decision as expeditiously as possible, preferably within a period of six months, in accordance with law. While doing so, the materials placed on record in this Court pursuant to our directions shall also be noticed and considered.

The appeals are allowed to the aforesaid extent leaving the parties to bear their own costs.

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

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

NEW DELHI
JULY 14, 2011