

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(s). 1253-1258 OF 2001

M/S. K. SREEDHARAN & CO. (P) LTD.

Appellant (s)

VERSUS

STATE OF KERALA

Respondent(s)

(With prayer for interim relief and office report)

Date: 26/04/2006 These Appeals were called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE RUMA PAL

HON'BLE MR. JUSTICE DALVEER BHANDARI

For Appellant(s)

Mr. T.L.V.Iyer, Sr. Adv.

Mr. R.N. Keshwani, Adv.

Mr. Ramlal Roy, adv.

For Respondent(s)

Mr. M.K.Sreegesh, adv.

Mr. Ashish Verma, adv.

Mr. K.R. Sasiprabhu, Adv.

UPON hearing counsel the Court made the following

O R D E R

unaccounted

The question in these appeals is the percentage of

1984-1987. The stock of the appellant during the period between the
63, assessed the Authorities under the Kerala General Sales Tax Act, 19
cting the value of the unassessed stock under Sec.17(3) of the Act after reje
d by books of accounts produced by the appellant at rates which were foun
t varying the Tribunal to be exorbitant. The Tribunal itself fixed the rate a
ant, is that there percentages. The outcome of this, according to the appell
d stock found. has been massive additions
Tribunal varied According to the appellant, the rates suggested by the
between 21 to 127 times the difference.

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The percentage fixed by the Tribunal seems to us prima facie to
in be without any basis. However, before we express any final views
the matter, we are of the opinion that this matter should be settled between the
parties. At the highest, the appellant could get a remand back to
the Tribunal which would mean further litigation between the parties. As we
have already stated the period in question is 1984-97. We suggest that the
the quantum as fixed by the Tribunal should be reduced on account of
at principal to Rupees ten lakhs. This together with interest thereon
the

rates fixable under the Act should be sufficient both for the purpose of the appellant and the Department. Learned counsel appearing on behalf of the respective parties seek time to take instructions in the matter.

s Tax It is recorded that the amount as demanded by the Sale

dy Authorities on the basis of the decision of the Tribunal has already been

paid by the appellant together with the accrued interest thereon. It is being

made clear that in the event the parties settle their disputes, the respondent-

just Authority will not be called upon to refund the amount but to adjust the

amount against future liabilities of the appellant.

er The matters are adjourned till one week after the summ

vacation.

[SUMAN WADHWA]

[MADHU SAXENA]

COURT MASTER

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