

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)...../2014
CC 7198/2014

(From the judgement and order dated 19/12/2012 in WT
No.1355/2012 of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

STATE OF U.P & ORS Petitioner(s)

VERSUS

M/S MUSKAN TRADERS Respondent(s)

I.A.1 (With appln(s) for c/delay in filing SLP and office report)

WITH S.L.P.(C)...CC NO. 7395 of 2014

I.A.1 (With appln(s) for c/delay in filing SLP and office report)

Date: 07/05/2014 These Petitions were called on for hearing
today.

CORAM :

HON'BLE MR. JUSTICE K.S. RADHAKRISHNAN
HON'BLE MR. JUSTICE VIKRAMAJIT SEN

For Petitioner(s) Mr. Gaurav Bhatia,AAG
Mr. Abhishek Chaudhary,Adv.

For Respondent(s)

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

Delay condoned.

Issue notice.

Interim order, as already granted by this Court
in SLP(C)NO.11367/2007 on 29.10.2013 shall apply in
the instant case, which is extracted below:-

"1) The State shall be free to recover transit fee
for forest produce removed from within the State

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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."

Tag with SLP(C)NO.11367/2007.

(Narendra Prasad)
Court Master

(Renuka Sadana)
Court Master