

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)...../2012  
CC 7306-7316/2012

(From the judgement and order dated 11/11/2011 (corrected on  
21/11/2011) in WP(T) Nos. 503, 668, 1064, 920, 1116, 1068, 1141, 670,  
1067, 1059 and 1100 of 2011 of the HIGH COURT OF JUDICATURE AT  
ALLAHABAD)

STATE OF U.P. AND ORS Petitioner(s)

VERSUS

M/S PAPPU COAL MASTER ETC Respondent(s)

IA Nos. 1-11 (With appln(s) for c/delay in filing and refiling the  
SLP with office report)

WITH  
S.L.P.(C)...CC NO. 13571-13594 of 2012  
IA Nos. 1-24 (With appln. for c/delay in filing the SLP and office  
report)  
S.L.P.(C)...CC NO. 13652-13662 of 2012  
IA Nos. 1-11 (With appln. for c/delay in filing the SLP and office  
report)

Date: 27/01/2014 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, Adv.  
Mr. Shantanu Krishna, Adv.  
Mr. Abhishek Chaudhary, Adv.  
Mr. Rajiv Yadav, Adv.

For Respondent(s)  
Mr. Viresh Kumar Yadav, Adv.  
for Mr. Rameshwar Prasad Goyal, Adv. (NP)  
  
Mr. Gaurav Jain, Adv.  
Ms. Abha Jain, Adv.  
Mr. N.K. Jain, Adv.

...2/-

: 2 :

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

Delay condoned.  
Issue notice.  
Learned counsel for the petitioners brought to our  
knowledge an order passed by a coordinate Bench of this Court on  
October 29, 2013 wherein an earlier order was modified suitably.  
Consequently, we pass the following order in tune with the  
order dated October 29, 2013:  
1) The State shall be free to recover transit free 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 the order.

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

3) In the event of the 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 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.

...3/-

: 3 :

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

Post these matters along with other connected cases.

|(N.S.K. Kamesh)

| |(Saroj Saini)

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|Court Master

| |Court Master

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