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ITEM NO.3

COURT NO.7

SECTION X

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).19445/2004

(From the judgement and order dated 01/07/2004 in WP No.1124/2001 of The
HIGH COURT OF UTTARAKHAND AT NAINITAL)

STATE OF UTTARANCHAL & ORS.

Petitioner(s)

VERSUS

M/S. KUMAON STONE CRUSHER

Respondent(s)

(With appln(s) for c/delay in filing counter affidavit and prayer for
interim relief and office report)
(For Final Disposal)

With

SLP(C)NO.24889 OF 2004 (With prayer for interim relief)
(For Final Disposal)

SLP(C)NO.23547 OF 2005 (With appln(s) for C/delay in filing SLP and prayer
for interim relief)

(For Final Disposal)

SLP(C)NO.24106 OF 2007 (With appln(s) for C/delay in filing SLP, C/delay in
refiling SLP and prayer for interim relief)

(For Final Disposal)

SLP(C)NO.21868 OF 2010 (With appln(s) for C/delay in filing SLP and Office
Report)

(For Final Disposal)

SLP(C)NO.22363 OF 2010 (With office report)

(For Final Disposal)

SLP(C)NO.12318 OF 2009 (With appln(s) for C/delay in filing SLP and Office
Report)

(For Final Disposal)

SLP(C)NO.12530 OF 2009 (With appln(s) for C/delay in filing SLP and Office
Report)

(For Final Disposal)

SLP(C)NO.21930 OF 2009

(For Final Disposal)

SLP(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)

SLP(C)NO.18094 OF 2011 (With appln(s) for C/delay in filing SLP and Office
Report)

C.A.No.1007 of 2011 (With appln(s) for interim stay)

C.A.No.2047 of 2006 (With prayer for interim relief and office report)

SLP(C)NO.2294 OF 2008 (With appln(s) for C/delay in filing SLP and Office
Report)

(For Final Disposal)

SLP(C)NO.11846 OF 2009 (With Office Report)

(For Final Disposal)

SLP(C)NO.33180 OF 2010 (With appln(s) for C/delay in filing SLP and Office
Report)

(For Final Disposal)

Date: 12/11/2013 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE T.S. THAKUR

HON'BLE MR. JUSTICE VIKRAMAJIT SEN

For Petitioner(s)

Mr. Dinesh Dwivedi, Sr. Adv.

Ms. Rachana Srivastava, Adv.

Mr. Prateek Dwivedi, Adv.

Mr. Tanmaya Agarwal,Adv.
Mr. Manish Shanker Srivastava,Adv.
Mr. Krishnan Mishra,Adv.

Mr. Gaurav Bhatia,AAG
Mr. Abhishek Choudhary,Adv.
Mr. Piyush Vashistha,Adv.

Mr. Shiv Prakash Pandey,Adv.

Mr. Rahul Verma,Adv.
Mr. Anuvrat Sharma,Adv.

For Respondent(s) Mr. Pradeep Kant,Sr.Adv.
Mr. R.K. Raizada,Sr.Adv.
Mr. Vivek Gupta,Adv.
Mr. Divyanshu Sahay,Adv.

Mr. Pradeep Misra,Adv.

Mr. Anil Kumar Jha,Adv.

Ms. Rachana Srivastava,Adv.

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

Heard.

Mr. Dinesh Dwivedi, learned senior counsel for the petitioner-State of Uttarakhand, submits that this Court has, in a batch of petitions (SLP(C) No.11367 of 2007 etc.) arising out of writ petitions from the State of Uttar Pradesh involving identical issues, passed an order on 29th October, 2013 by which the State has been permitted to recover transit fees on forest produce at the rates stipulated in the Third Amendment to U.P. Transit of Timber and other Forest Produce Rules, 1978 on certain conditions.

He submits that there is no reason why a similar direction should not be made in these cases also including refund of the amount, recovered from the writ petitioners-respondents herein in the event of their success, along with interest at the rate of 9% per annum from the date the amount is recovered till the date the same is refunded to them.

In the circumstances, therefore, and in view of the order already made by us in the connected batch of matters (SLP(C) No.11367 of 2007 etc.), we direct as under:

The operation of the impugned judgment(s) passed by the High Court shall remain stayed in these matters subject to the following conditions:

(I) Recoveries, if any, made from writ petitioners-respondents herein shall be subject to the ultimate outcome of these matters.

(II) In the event of the appeals, filed by the State against the impugned orders passed by the High Court, being dismissed, the amount recovered from the writ petitioners (respondents herein) towards transit fees shall be refunded to them with interest at the rate of 9% per annum from the date the recovery is made till the date of actual refund.

(III) The rate at which the recovery may be made by the State shall be those stipulated under the notifications issued on the subject as modified by any interim or final order passed by the High Court of Uttaranchal in any pending writ petition.

Pleadings, if not already completed, shall be completed within six weeks.

Post these matters for hearing in the month of February, 2014 along with the connected matters arising from the State of U.P. including SLP(C) No.11367 of 2007 etc.

|(Mahabir Singh)
| Court Master

|(Veena Khara)
| Court Master

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