

ITEM NO.7

COURT NO.7

SECTION X

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 19445/2004

(Arising out of impugned final judgment and order dated 01-07-2004  
in WP No. 1124/2001 passed by the High Court of Uttarakhand at  
Nainital)

STATE OF UTTARANCHAL &amp; ORS.

Petitioner(s)

VERSUS

M/S. KUMAON STONE CRUSHER

Respondent(s)

(ALL THE MATTERS ARE LISTED EXCEPT MAIN MATTER VIZ.  
SLP(C)19445/2004)

WITH

SLP(C) No. 3189/2012 (XI)  
SLP(C) No. 1675/2012 (XI)  
SLP(C) No. 8713/2008 (IV-A)  
SLP(C) No. 10601/2008 (IV-A)  
SLP(C) No. 9523/2008 (IV-A)  
SLP(C) No. 6959/2008 (IV-A)  
SLP(C) No. 6958/2008 (IV-A)  
SLP(C) No. 950/2012 (XI)  
SLP(C) No. 1031/2012 (XI)  
SLP(C) No. 948/2012 (XI)  
SLP(C) No. 1169/2012 (XI)  
SLP(C) No. 1197/2012 (XI)  
SLP(C) No. 2213-2220/2012 (XI)  
T.P. (C) No. 76/2012 (XVI -A)  
T.P. (C) No. 77/2012 (XVI -A)  
SLP(C) No. 1697/2012 (XI)  
SLP(C) No. 2082/2012 (XI)  
SLP(C) No. 2236/2012 (XI)  
SLP(C) No. 2081/2012 (XI)  
SLP(C) No. 2399/2012 (XI)  
SLP(C) No. 3152-3164/2012 (XI)  
SLP(C) No. 2938-2951/2012 (XI)  
SLP(C) No. 3192-3199/2012 (XI)  
SLP(C) No. 1822/2012 (XI)  
SLP(C) No. 4832/2012 (XI)  
SLP(C) No. 4002-4008/2012 (XI)  
SLP(C) No. 6144/2012 (XI)  
SLP(C) No. 3512-3524/2012 (XI)  
SLP(C) No. 3320-3338/2012 (XI)  
SLP(C) No. 3490-3499/2012 (XI)  
SLP(C) No. 13019-13022/2012 (XI)  
SLP(C) No. 12808-12823/2012 (XI)

SLP (C) No. 3624-3639/2012 (XI)  
 SLP (C) No. 6822/2012 (XI)  
 SLP (C) No. 11395/2013 (XI)  
 SLP (C) No. 6614/2012 (XI)  
 SLP (C) No. 6807/2012 (XI)  
 SLP (C) No. 5965/2012 (XI)  
 SLP (C) No. 4761/2012 (XI)  
 SLP (C) No. 4882-4884/2012 (XI)  
 SLP (C) No. 6047-6050/2012 (XI)  
 SLP (C) No. 5911/2012 (XI)  
 SLP (C) No. 11917-11933/2013 (XI)  
 SLP (C) No. 16261-16283/2013 (XI)  
 SLP (C) No. 16316-16344/2013 (XI)  
 SLP (C) No. 6715/2012 (XI)  
 C.A. No. 2047/2006 (X)  
 SLP (C) No. 16285-16298/2013 (XI)  
 SLP (C) No. 5760/2012 (XI)  
 SLP (C) No. 6147-6171/2012 (XI)  
 SLP (C) No. 8991-8995/2012 (XI)  
 SLP (C) No. 12577/2013 (XI)  
 SLP (C) No. 6532/2012 (XI)  
 SLP (C) No. 6588/2012 (XI)  
 SLP (C) No. 6937/2012 (XI)  
 SLP (C) No. 5558/2012 (XI)  
 SLP (C) No. 12967-12988/2012 (XI)  
 SLP (C) No. 12989-13001/2012 (XI)  
 SLP (C) No. 7199/2012 (XI)  
 SLP (C) No. 7702/2012 (XI)  
 SLP (C) No. 16846-16860/2013 (XI)  
 SLP (C) No. 8775/2012 (XI)  
 SLP (C) No. 10499/2012 (XI)  
 SLP (C) No. 16299-16303/2013 (XI)  
 SLP (C) No. 7680/2012 (XI)  
 SLP (C) No. 7491/2012 (XI)  
 SLP (C) No. 8465-8467/2012 (XI)  
 CONMT.PET. (C) No. 199-201/2014 In SLP (C) No. 31530-31532/2011 ()  
 SLP (C) No. 2776-2786/2014 (XI)  
 SLP (C) No. 15501-15521/2012 (XI)  
 SLP (C) No. 15611-15627/2012 (XI)  
 SLP (C) No. 15430-15444/2012 (XI)  
 SLP (C) No. 15405-15416/2012 (XI)  
 SLP (C) No. 12578/2013 (XI)  
 SLP (C) No. 12176/2012 (XI)  
 SLP (C) No. 12657/2014 (XI)  
 SLP (C) No. 15446-15465/2012 (XI)  
 SLP (C) No. 16989-17001/2012 (XI)  
 SLP (C) No. 15543-15544/2012 (XI)  
 SLP (C) No. 15417-15429/2012 (XI)  
 SLP (C) No. 13521/2013 (XI)  
 SLP (C) No. 15466-15484/2012 (XI)  
 SLP (C) No. 15522-15542/2012 (XI)  
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 SLP (C) No. 16970/2012 (XI)

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 SLP (C) No. 12659/2014 (XI)  
 SLP (C) No. 13683/2014 (XI)  
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 SLP (C) No. 13684/2014 (XI)  
 SLP (C) No. 15401-15402/2012 (XI)  
 SLP (C) No. 15795-15796/2012 (XI)  
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 SLP (C) No. 15547-15554/2012 (XI)  
 SLP (C) No. 15591-15603/2012 (XI)  
 SLP (C) No. 14738/2012 (XI)  
 SLP (C) No. 15804/2012 (XI)  
 SLP (C) No. 13148/2012 (XI)  
 W.P. (C) No. 203/2009 (X)  
 C.A. No. 2797/2008 (III-A)  
 SLP (C) No. 15555-15562/2012 (XI)  
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 C.A. No. 2821/2008 (III-A)  
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 SLP (C) No. 18661/2013 (XI)  
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 C.A. No. 5652/2008 (III-A)  
 SLP (C) No. 15721/2012 (XI)  
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 C.A. No. 2739-2762/2008 (III-A)  
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 SLP (C) No. 22629/2008 (XI)

C.A. No. 2734/2008 (III-A)  
 SLP(C) No. 26555-26565/2012 (XI)  
 SLP(C) No. 2812-2822/2014 (XI)  
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 C.A. No. 2737/2008 (III-A)  
 C.A. No. 2820/2008 (III-A)  
 C.A. No. 2706/2008 (III-A)  
 SLP(C) No. 22760/2013 (XI)  
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 SLP(C) No. 23682-23695/2012 (XI)  
 C.A. No. 2862-2863/2008 (III-A)  
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 SLP(C) No. 26662-26674/2012 (XI)  
 SLP(C) No. 26639-26658/2012 (XI)  
 C.A. No. 2732/2008 (III-A)  
 SLP(C) No. 18760/2009 (XI)  
 SLP(C) No. 18843/2009 (XI)  
 SLP(C) No. 27324/2012 (XI)  
 C.A. No. 2819/2008 (III-A)  
 SLP(C) No. 22635/2008 (XI)  
 SLP(C) No. 30398-30533/2012 (XI)  
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 SLP(C) No. 29725/2009 (XI)  
 CONMT.PET.(C) No. 585-587/2016 In SLP(C) No. 31530-31532/2011 ()  
 SLP(C) No. 30535/2012 (XI)  
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 S.L.P.(C)...CC No. 22596/2015 (XI)  
 CONMT.PET.(C) No. 251/2008 In C.A. No. 2797/2008 (III-A)  
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 SLP(C) No. 29549/2016 (XI)  
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 SLP(C) No. 37685-37687/2012 (XI)  
 SLP(C) No. 37683/2012 (XI)

S.L.P. (C) ...CC No. 22210/2016 (XI)  
SLP (C) No. 37576/2012 (XI)  
SLP (C) No. 35807/2016 (XI)  
C.A. No. 1010/2011 (X)  
SLP (C) No. 31530-31532/2011 (XI)  
SLP (C) No. 32620-32623/2011 (XI)  
SLP (C) No. 35680/2015 (XI)  
SLP (C) No. 35673/2015 (XI)  
SLP (C) No. 35682/2015 (XI)  
SLP (C) No. 6956/2008 (IV-A)  
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SLP (C) No. 4943-4947/2013 (XI)  
SLP (C) No. 1398/2012 (XI)  
SLP (C) No. 34909-34916/2011 (XI)  
SLP (C) No. 4461/2013 (XI)  
SLP (C) No. 36272/2011 (XI)  
SLP (C) No. 134-136/2012 (XI)  
SLP (C) No. 1684/2012 (XI)  
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SLP (C) No. 1874/2012 (XI)  
T.P. (C) No. 18/2012 (XVI -A)  
SLP (C) No. 1198/2012 (XI)  
SLP (C) No. 1074/2012 (XI)  
T.P. (C) No. 44/2012 (XVI -A)  
SLP (C) No. 652/2012 (XI)  
SLP (C) No. 738/2012 (XI)  
SLP (C) No. 146-147/2012 (XI)  
SLP (C) No. 877-878/2012 (XI)  
SLP (C) No. 981/2012 (XI)  
SLP (C) No. 8204-8209/2013 (XI)  
SLP (C) No. 3457/2016 (XI)

Date : 27-07-2017 This petition was called on for hearing today.

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HON'BLE MR. JUSTICE ASHOK BHUSHAN

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Mr. Jaivir Singh, Adv.

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Mr. Avirat Kumar, Adv. for  
M/s Gagrat And Co, AOR

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

SLP(C) No.7680/2012:

Leave granted.

The appeal is disposed of in terms of the signed order.

In rest of the matters arguments heard in part.

The matters remained part heard.

List on 1<sup>st</sup> August, 2017.

(USHA RANI BHARDWAJ)  
AR CUM PS

(MALA KUMARI SHARMA)  
BRANCH OFFICER

Signed order is placed on the file.

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No. 9871 OF 2017

(Arising out of S.L.P. (Civil) No.7680 OF 2012)

Gayatri projects Ltd. & Anr. Thru its .. Appellant(s)  
Special Power of Attorney Holder Sh.  
E. Prasada Rao

Versus

State of Uttar Pradesh & Ors. .. Respondent(s)

O R D E R

Leave granted.

Heard learned counsel for the parties.

We find from the impugned judgment rendered by the High Court that the High Court has not dealt with various issues which were raised by the appellant herein. Instead, it has dismissed the writ petition of the appellant with the observations that the issues raised in the writ petition filed by the appellant are covered by the judgment in N.T.P.C. Ltd. vs. State of U.P. & Ors. (Writ Tax No.327/2008) as well as other batch matters decided on 11.11.2011. After hearing learned counsel for the parties, we find that some of the issues raised by the appellant were not the subject matter of the judgment in N.T.P.C. Ltd. rendered by the High Court. Our attention has also been drawn to paragraph-11 of the N.T.P.C. case wherein the High Court has recorded the fact that in the writ petition which was filed by M/s Nagarjuna Construction Co. Ltd. two questions have been referred to the larger Bench by order dated 4<sup>th</sup> March, 2008.

It is argued that in the petition filed by the appellant those questions were also raised. We are not commenting upon as to whether the writ of the appellant should be heard by a larger Bench or not. Suffice it to say that since all the issues raised by the appellant are not covered by the judgment rendered in N.T.P.C. case the impugment warrants to be set aside and the matter needs to be remitted back to the High Court. Ordered accordingly.

The appeal stands disposed of accordingly.

In this case there was an interim order given in favour of the appellant dated 13<sup>th</sup> March, 2012 staying the demand of recovery of transit fee, this order shall remain in operation for another period of three months. It would be open to the appellant to apply to the High Court for stay of the demand during the pendency of the writ petition and request the High Court to dispose of the writ petition at an early date.

.....J.  
[A.K. SIKRI]

.....J.  
[ASHOK BHUSHAN]

NEW DELHI,  
JULY 27, 2017.