

ITEM NO.20

COURT NO.1

SECTION III

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)..... of 2015  
CC No(s). 21367/2015

(Arising out of impugned final judgment and order dated 09/12/2013  
in WT No. 410/2013 passed by the High Court Of Judicature at  
Allahabad)

STATE OF U.P AND ORS.

Petitioner(s)

VERSUS

M/S. CASA INTERIORE AND ANR.

Respondent(s)

(with appln. (s) for c/delay in filing SLP and office report)

WITH S.L.P.(C)..... of 2015 (CC No. 21378/2015)  
(With appln.(s) for c/delay in filing SLP and Office Report)

S.L.P.(C)..... of 2015 (CC No. 21578/2015)  
(With appln.(s) for c/delay in filing SLP and Office Report)

Date: 11/12/2015 These petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE A.K. SIKRI  
HON'BLE MRS. JUSTICE R. BANUMATHI

For Petitioner(s) Mr. Sanjay Kumar Visen,Adv.  
Mr. Abhishek Chaudhary,Adv.

For Respondent(s)

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

Heard.

Delay condoned.

Issue notice.

Tag along with SLP(C) No.19445 of 2004 and connected  
matters.

In terms of order dated 29<sup>th</sup> November, 2013, we pass the  
following order:

- (1) The State shall be free to recover transit fee for forest produce removed from within the State of U.P. at the rate stipulated in the 3<sup>rd</sup> amendment to the Rules mentioned in the earlier 30 part of that order.
- (2) Any such recover 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 2<sup>nd</sup> batch of cases arising out of Writ Petition No.975 of 2004 whereby the High Court has struck down the 4<sup>th</sup> and 5<sup>th</sup> amendment to the Rules, the State shall be free to make recoveries in terms of the 3<sup>rd</sup> amendment in regard to the forest produced removed from within the State of U.P. The operation of the orders passed by the High Court shall to the extent remain stayed.
- (6) This modification shall not apply to exempted goods or industrial by-products like Klinker and fly ash.

(MAHABIR SINGH)  
COURT MASTER

(VEENA KHERA)  
COURT MASTER

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For Respondent(s)

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

Heard.

Delay condoned.

Issue notice.

Tag along with SLP(C) No.11367 of 2007 and connected  
matters.

In terms of order dated 29<sup>th</sup> November, 2013, we pass the  
following order:

- (1) The State shall be free to recover transit fee for forest produce removed from within the State of U.P. at the rate stipulated in the 3<sup>rd</sup> amendment to the Rules mentioned in the earlier 30 part of that order.
- (2) Any such recover 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 2<sup>nd</sup> batch of cases arising out of Writ Petition No.975 of 2004 whereby the High Court has struck down the 4<sup>th</sup> and 5<sup>th</sup> amendment to the Rules, the State shall be free to make recoveries in terms of the 3<sup>rd</sup> amendment in regard to the forest produced removed from within the State of U.P. The operation of the orders passed by the High Court shall to the extent remain stayed.
- (6) This modification shall not apply to exempted goods or industrial by-products like Klinker and fly ash.

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