

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

ORIGINAL SUIT NO. 2/2009

STATE OF PUNJAB

Plaintiff(s)

VERSUS

GOVT.OF INDIA & ORS.

Respondent(s)

(With appln(s) for ex-Parte stay,interim injunction and office report)

Date: 11/11/2013 This matter was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE GYAN SUDHA MISRA
HON'BLE MR. JUSTICE PINAKI CHANDRA GHOSE

For Petitioner(s) Mr. A.K. Ganguli, Sr.Adv.
Mr. Nikhil Nayyar, AAG
Mr. Kuldip Singh,Adv.

For Respondent(s) Mr. J.S. Attri, Sr.Adv.
St of H.P. Mr. Suryanarayana Singh, AAG
Mr. Varinder Kumar Sharma, Adv.

Mr. Siddhartha Dave, Adv.
Mr. Mukesh Verma, Adv.
Mr. Jatinder Kumar Bhatia,Adv.

Mr.Himinder Lal ,Adv

Mr. Prabhat Kumar, Adv.
Mr. S. Dave, Adv.
Mr. D.S. Mahra, Adv.

UPON hearing counsel the Court made the following

O R D E R

After hearing the counsels for the contesting parties at some length, prima facie, we are of the view that the instant suit is not maintainable since the plaintiff State of Punjab has merely filed a suit challenging the notification issued by the Government of India granting excise duty exemption for a period of 10 years to the new and existing industrial units on their substantial expansion in the specified areas of Jammu & Kashmir, Himachal Pradesh and Uttranchal which the Government of India is legally competent to do.

In fact, the respondent-State of Himachal Pradesh has specifically taken an objection to the aforesaid effect in which, prima facie, we find substance. However, learned senior counsel for the plaintiff-State of Punjab sought time to file rejoinder to the said reply, which may be done within a period of three weeks.

The matter be posted again on 03.12.2013.

(NAVEEN KUMAR)
COURT MASTER

(S.S.R. KRISHNA)
COURT MASTER