

SUPR EME COUR T OF I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).16662-16663/2009

(From the judgement and order dated 16/06/2009 in RP No. 623/2009 & WA No. 1200/2009 of The HIGH COURT OF KERALA AT ERNAKULAM)

BHARAT PETROLEUM CORP.LTD.

Petitioner(s)

VERSUS

ASST.COMMNR.SPEL.CIRCLE,C.TAX & ORS.

Respondent(s)

(With appln(s)for exemption from filing c/c of the impugned Judgment,exemption from filing O.T. and prayer for interim relief))

WITH SLP(C) NO. 16681-16682 of 2009

(With appln. for exem. from filing O.T. and exem. from filing c/c of the impugned judgment and office report)

Date: 03/08/2009 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.H. KAPADIA

HON'BLE MR. JUSTICE AFTAB ALAM

For Petitioner(s) Mr. Gopal Subramaniam, S.G.
Mr.R.F.Nariman, Sr. Adv.
Mr. Parijat Sinha,Adv.

For Respondent(s) Mr. M.L.Verma, Sr. Adv.
Mr. R. Sathish,Adv.

UPON hearing counsel the Court made the following
ORDER

On deposit of Rs. 5,00,00,000/- (Rupees Five Crores only)

within two weeks the first Appellate Authority shall hear the
appeal filed by BPCL. We are directing the first Appellate

Authority to take up these matters at the earliest and to decide
the matter in accordance with law on day-today basis.

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The SLPs are disposed of accordingly.

However, we make it clear that if BPCL fails before the
first Appellate Authority, they shall pay the amount due towards
taxes with interest in accordance with law. Needless to add that
the application of BPCL for rectification may also be considered by

the first Appellate Authority and all objections in that regard are expressly kept open.

(Shashi Sareen)
Court Master

(Indu Satija)
Court Master