

dA

C.A.No. 936-938 OF 2001

ITEM No.101 & 122

Court No. 1

SECTION IIIA/
III/X

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

Civil Appeal Nos. 936-938 of 2001

Indicarb Limited

Appellant (s)

VERSUS

State of Tamil Nadu & Ors.

Respondent (s)

(With appln.(s) for impleading party, directions and office report)

With Writ Petition (C) No. 409 of 1997
(With appln.(s) for direction and stay)

Civil Appeal No. 939 of 2001
(With appln.(s) for impleading party, prayer for interim relief and office report)

Civil Appeal No.940 of 2001

Civil Appeal No. 941 of 2001
(With prayer for interim relief and office report)

Civil Appeal No. 942 of 2001
(With appln.(s) for impleading party, prayer for interim relief and office report)

Writ Petition (C) No. 675 of 1997
(With appln.(s) for stay)

Civil Appeal No. 943 of 2001
(With appln.(s) for impleading party, prayer for interim relief and office report)

Writ Petition (C) No. 129 of 1998
(With appln.(s) for stay and office report)

Writ Petition (C) No. 150 of 1998
(With appln.(s) for stay)

Writ Petition (C) No. 199 of 1998
(With appln.(s) for stay)

Writ Petition (C) No. 155 of 1998
(With appln.(s) for stay)

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Writ Petition (C) No. 157 of 1998

Writ Petition (C) No. 167 of 1998
(With appln.(s) for stay)

Writ Petition (C) No. 180 of 1998

Writ Petition (C) No. 206 of 1998
(With appln.(s) for stay)

Writ Petition (C) Nos. 207-208 of 1998

Civil Appeal No. 944 of 2001
(With appln.(s) for impleading party, prayer for interim relief and office report)

Civil Appeal Nos. 945-950 of 2001
(With prayer for interim relief and office report)

Writ Petition (C) No. 249 of 1998
(With appln.(s) for stay)

Writ Petition (C) No. 268 of 1998
(With appln.(s) for stay)

Writ Petition (C) Nos.273 and 275 of 1998

Writ Petition (C) No. 274 of 1998
(With appln.(s) for stay)

Writ Petition (C) No. 359 of 1998
(With appln.(s) for stay)

Writ Petition (C) No. 223 of 1998

Writ Petition (C) No. 374 of 1998
(With appln.(s) for stay)

Writ Petition (C) No. 472 of 1998

Writ Petition (C) Nos.503-505 of 1998
(With appln.(s) for stay and office report)

Writ Petition (C) No. 454 of 1998

Writ Petition (C) No. 455 of 1998
(With appln.(s) for stay and office report)

Writ Petition (C) No. 242 of 1998
(With appln.(s) for stay)

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Writ Petition (C) No. 565 of 1998
(With appln.(s) for stay and office report)

Writ Petition (C) No. 567 of 1998
(With appln.(s) for stay, withdrawal and office report)

Writ Petition (C) No. 602 of 1998
(With appln.(s) for stay and office report)

Writ Petition (C) Nos.607, 610-611 of 1998
(With appln.(s) for stay and office report)

Writ Petition (C) No. 615 of 1998
(With appln.(s) for stay and office report)

Writ Petition (C) No. 654 of 1998
(With appln.(s) for stay)

Civil Appeal No. 951 of 2001
(With prayer for interim relief and office report)

Civil Appeal Nos. 952-954 of 2001
(With prayer for interim relief and office report)

Writ Petition (C) No. 9 of 1999
(With appln.(s) for stay)

Writ Petition (C) No. 30 of 1999
(With appln.(s) for stay)

Writ Petition (C) No. 48 of 1999

Civil Appeal Nos. 955-956 of 2001
(With prayer for interim relief)

Writ Petition (C) No. 92 of 1999
(With appln.(s) for stay)

Writ Petition (C) No. 96 of 1999

Writ Petition (C) No. 107 of 1999
(With appln.(s) for stay)

Writ Petition (C) No. 112 of 1999

Writ Petition (C) No. 113 of 1999
(With appln.(s) for stay)

Writ Petition (C) No. 119 of 1999

Writ Petition (C) No. 120 of 1999
(With appln.(s) for stay)

Writ Petition (C) No. 136 of 1999

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Writ Petition (C) No. 167 of 1999
(With appln.(s) for stay)

Civil Appeal Nos. 957-964 of 2001
(With prayer for interim relief and office report)

Writ Petition (C) No. 80 of 1999
(With appln.(s) for stay)

Writ Petition (C) No. 217 of 1999
(With appln.(s) for stay)

Writ Petition (C) No. 207 of 1999

Writ Petition (C) No. 219 of 1999
(With appln.(s) for stay)

Writ Petition (C) No. 221 of 1999

Writ Petition (C) No. 250 of 1999
(With appln.(s) for stay)

Writ Petition (C) No. 252 of 1999

Writ Petition (C) No. 263 of 1999
(With appln.(s) for stay)

Writ Petition (C) No. 267 of 1999

Writ Petition (C) No. 268 of 1999
(With appln.(s) for stay)

Civil Appeal No. 965 of 2001

Civil Appeal No. 966 of 2001
(With appln.(s) for addition/deletion of parties, prayer for
interim relief and office report)

Civil Appeal No. 967 of 2001
(With appln.(s) for impleading party, prayer for interim relief
and office report)

Writ Petition (C) No. 5 of 1998
(With appln.(s) for stay)

Civil Appeal No. 968 of 2001
(With appln.(s) for impleading party, prayer for interim relief
and office report)

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Civil Appeal Nos.969-970 of 2001
(With appln.(s) for impleading party, prayer for interim relief
and office report)

Civil Appeal No. 971 of 2001
(With appln.(s) for impleading party and prayer for interim relief)

Civil Appeal Nos.972-973 of 2001
(With appln.(s) for c/delay in filing SLP, prayer for interim relief
and office report)

Writ Petition (C) No. 420 of 1999

Writ Petition (C) No. 423 of 1999
(With appln.(s) for stay)

Writ Petition (C) No. 98 of 1999
(With appln.(s) for stay)

Writ Petition (C) No. 125 of 1999

Writ Petition (C) No. 382 of 1999
(With appln.(s) for stay and office report)

Writ Petition (C) No. 392 of 1999
(With appln.(s) for stay and office report)

Civil Appeal No. 974 of 2001
(With appln.(s) for impleading party, prayer for interim relief
and office report)

Writ Petition (C) No. 510 of 1999
(With appln.(s) for stay)

Writ Petition (C) No. 533 of 1999
(With appln.(s) for stay)

Writ Petition (C) No. 543 of 1999

Civil appeal No. 975 of 2001
(With appln.(s) for impleading party, prayer for interim relief
and office report)

Writ Petition (C) No. 14 of 2000
(With appln.(s) for stay)

Writ Petition (C) No. 69 of 2000
(with appln.(s) for stay)

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Writ Petition (C) No. 72 of 2000

Civil Appeal Nos.976-979 of 2001
(With appln.(s) for taking additional document on record,
intervention/impleadment, raising additional grounds and prayer
for interim relief)

Writ Petition (C) No. 195 of 1999
(With appln.(s) for directions and stay)

Civil Appeal No. 980 of 2001
(With appln.(s) for impleading party, prayer for interim relief
and office report)

Civil Appeal Nos.981-982 of 2001
(With prayer for interim relief and office report)

Writ Petition (C) No. 139 of 2000
(With appln.(s) for stay)

Writ Petition (C) No.141 of 2000
(With appln.(s) for stay)

Writ Petition (C) No.149 of 2000

Writ Petition (C) No.150 of 2000
(With appln.(s) for stay)

Writ Petition (C) No.154 of 2000

Writ Petition (C) No.248 of 2000
(With appln.(s) for stay)

Writ Petition (C) No. 253 of 2000

Writ Petition (C) No. 279 of 2000
(With appln.(s) for stay)

Writ Petition (C) No. 280 of 2000

Writ Petition (C) No.282 of 2000
(With appln.(s) for stay)

Writ Petition (C) No.146 of 2000

Writ Petition (C) No.278 of 2000
(With appln.(s) for ex-parte stay and office report)

Civil Appeal Nos. 983-990 & 992-997 of 2001
(With prayer for interim relief and office report)

Civil Appeal No. 991 of 2001

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Writ Petition (C) No. 327 of 2000
(With appln.(s) for stay)

Writ Petition (C) No. 145 of 2000
(With appln.(s) for stay)

Writ Petition (C) Nos. 399-400 of 2000
(With appln.(s) for stay)

Writ Petition (C) No. 418 of 2000

Civil Appeal Nos. 1649-1654 of 2001
(With appln.(s) for impleading party, exemption from filing O.T.,
prayer for interim relief and office report)

Writ Petition (C) No. 110 of 2000
(With appln.(s) for stay and office report)

Writ Petition (C) No. 615 of 2000
(With appln.(s) for stay and permission to place addl. documents
on record)

Special Leave Petition (C) No. 5579 of 2001
(With prayer for interim relief)

Writ Petition (C) No. 187 of 2001
(With appln.(s) for stay)

Writ Petition (C) No. 268 of 2001
(With appln.(s) for stay)

Special Leave Petition (C) No. 13109 of 2001
(With prayer for interim relief)

Special Leave Petition (C) No. 13190 of 2001
(With prayer for interim relief)

Special Leave Petition (C) No. 16289 of 2001
(With prayer for interim relief)

Writ Petition (C) No. 178 of 2001
(With appln.(s) for stay and office report)

Special Leave Petition (C) No. 18556 of 2001
(With prayer for interim relief and office report)

Writ Petition (C) No. 506 of 2001
(With appln.(s) for stay)

Writ Petition (C) No. 516 of 2001
(With appln.(s) for stay)

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Writ Petition (C) No. 547 of 2001

Writ Petition (C) No. 540 of 2001
(With appln.(s) for ex-parte stay)

Writ Petition (C) No. 534 of 2001
(With appln.(s) for ex-parte stay)

Writ Petition (C) No. 570 of 2001
(With appln.(s) for stay)

Writ Petition (C) No. 3 of 2002

Writ Petition (C) No. 13 of 2002
(With appln.(s) for stay)

Writ Petition (C) No. 17 of 2002

Writ Petition (C) No. 44 of 2002
(With appln.(s) for ex-parte stay)

Writ Petition (C) No. 20 of 2002
(With appln.(s) for stay)

Writ Petition (C) No. 136 of 2002

Writ Petition (C) No. 137 of 2002
(With appln.(s) for ex-parte stay)

Writ Petition (C) No. 157 of 2002
(With appln.(s) for ex-parte stay)

S.L.P. (C) No. 6110 of 2002
(With prayer for interim relief)

S.L.P. (C) No. 6189 of 2002
(With prayer for interim relief)

S.L.P. (C) No. 6251 of 2002
(With prayer for interim relief)

S.L.P. (C) No. 6281 of 2002
(With prayer for interim relief)

Writ Petition (C) No. 156 of 2002
(With appln.(s) for stay)

Writ Petition (C) No. 207 of 2002
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Writ Petition (C) No. 329 of 2002
(With appln. for stay)

Special Leave Petition (C) No. 12076 of 2002
(With appln. for exem. from filing c/c of the impugned judgment
and prayer for interim relief)

Writ Petition (C) No. 282 of 2002
(With appln. for ex-parte stay)

Writ Petition (C) No. 303 of 2002
(With appln. for ex-parte stay)

Writ Petition (C) No. 407 of 2002
(With appln. for ex-parte stay)

Writ Petition (C) No. 304 of 2002
(With appln. for ex-parte stay)

Writ Petition (C) No. 415 of 2002
(With appln. for ex-parte stay)

Writ Petition (C) No. 426 of 2002

(With appln. for stay)

Writ Petition (C) No. 432 of 2002

(With appln. for stay)

Writ Petition (C) No. 458 of 2002

Writ Petition (C) No. 597 of 2002

(With appln. for stay and office report)

Writ Petition (C) No. 253 of 2002

(With appln.(s) for stay and office report)

Writ Petition (C) No. 107 of 2003

(With office report)

Writ Petition (C) No. 181 of 2003

(With office report)

Writ Petition (C) No. 182 of 2003

Writ Petition (C) No. 213 of 2003

Writ Petition (C) No. 316 of 2003

(With office report)

Writ Petition (C) No. 318 of 2003

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Writ Petition (C) No. 320 of 2003

(With office report)

Writ Petition (C) No. 335 of 2003

Writ Petition (C) No. 336 of 2003

Writ Petition (C) No. 343 of 2003

Writ Petition (C) No. 344 of 2003

Writ Petition (C) No. 345 of 2003

Writ Petition (C) No. 346 of 2003

Writ Petition (C) No. 347 of 2003

Writ Petition (C) No. 356 of 2003

Writ Petition (C) No. 357 of 2003

Writ Petition (C) No. 358 of 2003

Writ Petition (C) No. 359 of 2003

Writ Petition (C) No. 360 of 2003

Date : 19/08/2003 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE H.K. SEMA

HON'BLE MR. JUSTICE S.B. SINHA

For Petitioner(s)/

Appellants:

In C.A. Nos. Mr. K. Parasaran, Sr.Adv.

940-942/2001,946-51/ Mr. C. Natarajan, Sr.Adv.

2001, WP 454-455/98,Mr. V. Balaji, Adv.

WP(C) 195/99,CA 965-Mr. A.T.M. Sampath, Adv.

971/2001,974-975/01,Ms. T.S. Shanthi, Adv.

980-992/01, 955/01,Ms. Aarthi Radhakrishnan, Adv.

996/01 & WP 221/99.

In CA 936-939/01,

945/01,952-54/01,

956/01, 967/01 and

976-79/01 & WP 409/97

& 318/03:

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In WP 675/97, Mr. H.N. Salve, Sr.Adv.

CA 943/01, WP Mr. K.K. Mani, Adv.

129/98,187/01,Mr. R.L. Ramani,Adv.

149-150/98,155/98,Ms. Monika Pandey, Adv.

157/98,167/98,180/

98,199/98,249/98,

268/98,274-75/98,

359/98,223/98,

227/98,472/98,503/98

504-05/98,242/98,

565/98,602/98,607/98,

654/98,92/99,96/99,

107/99,112-113/99,

119-120/99,136/99,

167/99,217/99,219/99,

250/99,252/99,263/99,

267-68/99,5/98,420/99,

423/99,98/99,125/99,

510/99,533/99,543/99,

14/2000,139,141,149-150,

154,248,253,279,280,

282,296,145,399,400,

418/2000, SLP 16289/01,

18556/01,5579/01, CA

993-995/01, WP 506/01,

516/01,570/01,3/02,

13/02,136-137/02 &

157/02,329/02,407/02,

415/02,426/02,432/02,

458/02,597/02,107/03

& SLP 12076/02:

In WP 206-08/98, Mr. K.V.Viswanadhan,Adv.

CA 944/01, WP (C) Mr. R.D. Ganesan,Adv.

374/98,615/98,9/99, Ms. Gargi Khanna,Adv.
48/99,207/99,20/02, Mr. K.V. Vijaykumar,Adv.
268/01,207/02,282/02,
303/02 & 304/02, 320,
335,336,343-47,
356-60/03:

In WP 567/98, Mr. Rakesh K. Sharma,Adv.
608-11/98 & 30/99:

In CA 957-964/2001: Mr. Dhruv Agarwal, Adv.
Mr. R.V. Prasad,Adv.
Mr. Praveen Kumar,Adv.

Mr. Prateek Kumar, Adv.
...12/-

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In WP 80/99,69,72, Mr. Joseph Vellapally,Sr.Adv.
146, 278/2000 & Mr. Praveen Kumar,Adv.
178/01: Mr. Prateek Kumar, Adv.

In WP 382,392/99: Mr. V.Balachandran,Adv.

In WP 273/1998: Mr. Sanjeev Sen, Adv.
Ms. Anamika Keswani, Adv.
Mr. Hrishikesh Barua, Adv.
Mr. R.N. Karanjawala, Adv.
for Ms. Manik Karanjawala,Adv.

In CA 972-973/2001: Mr. V. Krishnamurthy,Adv.

In CA 1649-54/01, Mr. K.K. Venugopal,Sr.Adv.
WP 110/2000,615/00 Mr. P.H. Parekh,Adv.
& 213/03: Mr. Sameer Parekh, Adv.
Mr. Sanand Ramakrishnan, Adv.
Ms. S. Manchanda, Adv.

In SLP 13109/01 &
13190/01: Ms. Rekha Palli,Adv.

In WP 547/01,17/02 Mr. Joseph Vellapally, Sr.Adv.
& 44/2002 & 316/03: Mr. U.A. Rana, Adv.
Mr. Arvind Kumar, Adv.
for M/s. Gagrat & Co.,Advs.

In WP 540/01,534/
01,SLP 6281/02, Mr. Altaf Ahmad, ASG
6189/02 & 6251/02. Mr. V.A. Mohta, Sr. Adv.
Mr. Ashok Kumar Gupta,Adv.
Mr. Farrukh Rashid,Adv.

In SLP 6110,6189,
6251, 6281/2002: Mr. Altaf Ahmad,ASG.
Mr. V.A. Mohta, Sr.Adv.
Mr. Ashok Kumar Gupta,Adv.
Mr. Farrukh Rashid,Adv.

In WP 156/2002: Mr. M.N. Shroff, Adv.
Mr. Chirag M. Shroff,Adv.

For Orissa: Mr. Janaranjan Das,Adv.
Mr. Gourang Biswal, Adv.
Ms. S. Mishra,Adv.

For Pondicherry: Mr. V.G. Pragasam,Adv.

Mr. B.S. Banthia,Adv.
Mr. Naveen Sharma, Adv.

...13/-

For Maharashtra: Mr. S.K. Dholakia, Sr.Adv.
Mr. R.K. Adsure, Adv.
Mr. Mukesh K. Giri, Adv.

For Bihar: Mr. B.B. Singh, Adv.

For Rajasthan: Mr. Amit K. Shukla, Adv.
Mr. Ranji Thomas, Adv.
Ms. Bharati Upadhyay, Adv.

For Haryana: Mr. Mahabir Singh, Adv.

For State of T.N.: Mr. A.K. Ganguli, Sr. Adv.
Mr. S. Prasad, Adv.
Ms. Chitra Venkataraman, Adv.
Mr. Abhay Kumar, Adv.

For Goa: Ms. A. Subhashini, Adv.

For U.O.I. Mr. Soli J. Sorabjee, AG
Mr. Raju Ramachandran, ASG
Mr. R.P. Bhatt, Sr.Adv.
Mr. Y.P. Mahajan, Adv.
Mr. Rajiv Tyagi, Adv.
Ms. Neera Gupta, Adv.
Mr. B.V.B. Das, Adv.
Mr. Y.P. Mahajan, Adv.
Mr. P. Kapoor, Adv.

Mr. P. Parmeswaran, Adv.
Mr. S.N. Terdol, Adv.
Mr. B.K. Prasad, Adv.
Mrs. Meera Bhatia, Adv.
Mrs. Sushma Suri, Adv.

For N.C.T. of Delhi: Mr. K.C. Kaushik, Adv.
& all U.Ts. Ms. Anil Katiyar, Adv.
Mr. D.S. Mehra, Adv.

For Gujarat: Ms. Hemantika Wahi, Adv.

For State of W.B.: Mr. B. Sen, Sr.Adv.
Mr. J.R. Das, Adv.

Mr. Dilip Sinha, Adv.
Mr. Gourang Biswal, Adv.
Ms. S. Mishra, Adv.
for M/s. Sinha & Das, Adv.

For State of H.P. Mr. J.S. Attri, Adv.

Res.in WP 69, 72/2000, Mr. Tara Chandra Sharma, Adv.
997/2001 & 426/2002: Ms. Neelam Sharma, Adv.
(State of W.B.)

...14/-

For Karnataka: Mr. Sanjay R. Hegde, Adv.
Mr. Satya Mitra, Adv.
Mr. K.R. Nagaraja, Adv.

For Kerala: Mr. T.L.V. Iyer, Sr.Adv.
Mr. K.R. Sasiprabhu, Adv.
Mr. John Mathew, Adv.
Mr. Ramesh Babu M.R., Adv.

In WP 195/2000: Mr. M.N. Shroff, Adv.
(Resp.) Mr. Chirag M. Shroff, Adv.

For Andhra Pradesh: Ms. K. Amereswari, Sr.Adv.
Mr. G. Prabhakar, Adv.
Mr. R. Santhana Krishnan, Adv.

For Bihar: Mr. B.B. Singh, Adv.

For Punjab: Mr. H.M. Singh, Adv.
Mr. Kaushal Yadav, Adv.
Mr. R.S. Suri, Adv.
Mr. Anil Hooda, Adv.

For Arunachal Pradesh: Mr. Anil Shrivastava, Adv.
Ms. Jyoti Dutt, Adv.

For Meghalaya: Mr. Ranjan Mukherjee, Adv.

For Uttar Pradesh: Mr. R.C. Verma, Adv.
Mr. Mukesh Verma, Adv.
Mr. Manish Shanker, Adv.

For O.S.R.T.C.: Mr. R.P. Wadhvani, Adv.

In CA 972-73/01: Mr. Guru Krishna Kumar, Adv.
Ms. Srikala Guru, Adv.
Mr. C.K.M. Singh, Adv.
Mr. S.R. Setia, Adv.

In CA 976-979/2001 & WP 195/99: Mr. P.R. Ramasesh, Adv.

In CA 976-979/2001: Mr. R.S. Hegde, Adv.
Mr. Chandra Prakash, Adv.
Mr. P.P. Singh, Adv.
...15/-

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In WP 195/1999: Ms. Krishna Sarma, Adv.
Ms. Asha Gopalan Nair, Adv.
Mr. V.K. Sidharthan, Adv.
for M/s. Corporate Law Group, Adv.

In WP 534/01, 540/01, 602/98 & 407/02: Mr. R.S. Jena, Adv.

For Jharkhand: Mr. Ashok Mathur, Adv.

For State of M.P.: Mr. Sakesh Kumar, Adv.
Mr. S.K. Agnihotri, Adv.

Mr. H.K. Puri, Adv.

For SAIL: Mr. Sunil Kumar Jain, Adv.
(CA 997/01) Mr. S. Borthakur, Adv.
Mr. Kamal Mohan Gupta, Adv.

In CA 936-938/01: Mr. Tapash Ray, Sr.Adv.
Mr. Satish Vig, Adv.

Mr. A.K. Ganguli, Sr.Adv.
Mr. V. Ramasubramanian, Adv.

Mr. N. Ganpathy, Adv.

Mr. Prem Malhotra, Adv.

Mr. K. Swami, Adv.

Ms. Kamini Jaiswal, Adv.

Mr. Sushil Kumar Jain, Adv.

Mr. Shirish Kumar Mishra, Adv.

Mr. A.K. Srivastava, Adv.

Mr. Satish Vig, Adv.

Mr. R. Santhana Krishnan, Adv.

Mr. G. Sateesh, Adv.

Mr. G. Prabhakar, Adv.

...16/-

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

C.A. Nos. 940-942, 946-951, 965-966, 968-971, 974-975,
980-992 and 996 of 2001, W.P.(C) Nos. 454-455 of 1998 and
S.L.P.(C) Nos. 13109 and 13190 of 2001.

The civil appeals, writ petitions and special leave petitions are dismissed as withdrawn.

W.P.(C)Nos. 472, 566-567, 615 of 1998, 107, 113, 80, 207 of 1999, 69, 72 of 2000, 178, 506, 51
6, 187 of 2001, S.L.P.(C) No.16289 of 2001 and C.A. Nos. 983 and 991 of 2001.

The writ petitions, special leave petition and civil appeals stand disposed of.

W.P.(C) Nos. 150 of 1988, 167, 223, 274, 275 of 1998, 217,
250, 252, 263, 268, 533 of 1999, 14, 149, 150, 248, 399,
418 of 2000, 136, 137 of 2002.

The writ petitions are dismissed as withdrawn as having become infructuous.

W.P.(C) No. 607 of 1998.

The writ petition is dismissed as withdrawn.

Civil Appeal Nos. 976-979 of 2001:

Delinked.

List these matters separately alongwith other connected matters, the numbers of which will be
supplied by Mr. A.K. Ganguli, learned senior counsel, within a week.

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Rest of the matters:

We have heard learned Attorney General, M/s. K. Parasaran, K.K. Venugopal, Harish N. Salve, A.
K. Ganguli and C.Natarajan, learned senior counsel.

As prayed, list after six weeks for directions.

(Alka Dudeja)(K.K. Chawla) (Suraj Parkash)
Court Master Court Master Court Master

[Signed order is placed on the file.]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 940 OF 2001

Pallipalayam Spinners Ltd.... Appellant (s)

Versus

The State of Tamil Nadu and Ors.... Respondent(s)

With C.A. Nos. 941-942, 946-951, 965-966, 968-971, 974-975, 980-992 and 996 of 2001, W.P.(C) Nos. 454-455 of 1998 and S.L.P.(C) Nos. 13109 and 13190 of 2001.

W.P.(C) Nos.472,566-567, 615/98, 107, 113, 80, 207 of 1999, 69, 72 of 2000, 178, 506, 516, 187 of 2001, S.L.P.(C) No. 16289 of 2001 and C.A. Nos. 983 and 991 of 2001.

W.P.(C) Nos. 150 of 1988, 167, 223, 274, 275 of 1998, 217, 250, 252, 263, 268, 533 of 1999, 14, 149, 150, 248, 399, 418 of 2000, 136, 137 of 2002.

W.P.(C) No. 607 of 1998.

O R D E R

C.A. Nos. 940-942, 946-951, 965-966, 968-971, 974-975, 980-992 and 996 of 2001, W.P.(C) Nos. 454-455 of 1998 and S.L.P.(C) Nos. 13109 and 13190 of 2001.

It is stated on behalf of the appellants/petitioners that since the appellants/petitioners have obtained relief before the concerned appellate authority, these matters may be permitted to be withdrawn.

The civil appeals, writ petitions and special leave petitions are, accordingly, dismissed as withdrawn.

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W.P.(C)Nos. 472, 566-567, 615 of 1998, 107, 113, 80, 207 of 1999, 69, 72 of 2000, 178, 506, 516, 187 of 2001, S.L.P.(C) No.16289 of 2001 and C.A. Nos. 983 and 991 of 2001.

These matters are directed against the notice for pre-assessment. We are of the view that these matters are pre-mature and the petitioners/appellants may show cause before the concerned assessing authorities. In case any adverse order is passed, it will be open to them to prefer appeals in accordance with law. In case these applicants are able to satisfy the assessing authority or the appropriate authority that they have already paid the tax to another State in respect of the same transaction, no recovery arising out of the liability created under such assessment shall be made till they prefer an appeal before the appropriate tribunal in accordance with law.

With these directions the writ petitions, special leave petition and civil appeals stand disposed of.

Since these matters were pending here, the petitioners/appellants could not file objections before the appropriate authority. We, therefore, grant six weeks' time to file the objections, if not already filed.

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W.P.(C) Nos. 150 of 1988, 167, 223, 274, 275 of 1998, 217, 250, 252, 263, 268, 533 of 1999, 14, 149, 150, 248, 399, 418 of 2000, 136, 137 of 2002.

The writ petitions are dismissed as withdrawn as having become infructuous.

W.P.(C) No. 607 of 1998.

The writ petition is dismissed as withdrawn.

.....CJI.
.....J.
(H.K. SEMA)

.....J.

(S.B. SINHA)

New Delhi,
August 19, 2003.