

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS
WRIT PETITION (CIVIL) NO(s). 249 OF 2010

(For Prel.Hearing)

M/S BLUE STAR LTD.& ANR

Petitioner(s)

VERSUS

APPELLATE DY.COMMR.& ORS.

Respondent(s)

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

Date: 02/08/2010

This Petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE MUKUNDAKAM SHARMA
HON'BLE MR. JUSTICE ANIL R. DAVE

For Petitioner(s)

Mr.R.L.Ramani, Sr.Adv.
Mr. K.K. Mani, Adv.
Mr.A.Lakshmi Narayan, Adv.
Mr.Mayur R.Shah, Adv.

For Respondent(s)

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

Counsel appearing for the petitioner has drawn our attention to the records and various cases, one of which is Writ Petition (C) No.232 of 2005 titled M/s.Kone Elevator India Pvt. Ltd. vs. State of T.N. & Ors. On perusing the order dated 13.7.2010 passed in the said Writ Petition, we find that a similar issue as arising in the present case is referred to the Constitution Bench with a direction that the matters be listed on 7th September, 2010.

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We, therefore, issue notice on this petition, with a further direction that the matter shall be placed before the Constitution Bench on 7th September, 2010 along with connected matters.

Tag with Writ Petition (C) No. 232 of 2005.

Counsel for the petitioner has also stated that he has already deposited 50% of the disputed amount. He has also shown the earlier order passed by this Court dated 14.5.2009 directing that the Department would not take appropriate steps to recover the tax. Accordingly, We direct that the Department would not take any coercive steps to recover the balance tax till the next date, when the stay matter could be reconsidered.

(KUSUM SYAL)
SR.PA

(RENU DIWAN)
COURT MASTER