

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).19744/2008

(From the judgement and order dated 26/02/2008 in WA No. 2359/2007(GM-EX) of The HIGH COURT OF KARNATAKA AT BANGALORE)

HOTEL BASANT RESIDENCY

Petitioner(s)

VERSUS

EXCISE COMMR.& ORS.

Respondent(s)

(With prayer for interim relief)

Date: 22/08/2008 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.V. RAVEENDRAN
HON'BLE MR. JUSTICE P. SATHASIVAM

For Petitioner(s) Mr. Basava Prabhu S. Patil, Sr.Adv.
Mr. B. Subrahmanya Prasad, Adv.
Mr. V.N. Raghupathy,Adv.

For Respondent(s)

UPON hearing counsel the Court made the following
ORDER

We find no ground to interfere. Learned counsel for the petitioner however voiced an apprehension that appeal before the Karnataka Appellate Tribunal may virtually become infructuous and consideration by the Excise Commissioner will also be affected by the several observations made by the High Court. The High Court made those observations in a proceeding initiated by the petitioner challenging the refusal of interim stay of Karnataka Appellate Tribunal. Obviously, the Excise Commissioner/Karnataka Appellate Tribunal will decide the issue before them on merits.

The special leave petition is dismissed.

(PAWAN KUMAR)
COURT MASTER

(ANAND SINGH)
COURT MASTER