ITEM NO.MM-9A COURT NO.9 SECTION III

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

IA 4-5 in
Petition(s) for Special Leave to Appeal (Civil) No(s).26070/2011

(From the judgement and order dated 15/04/2011 in SCA No.11754/2001
of The HIGH COURT OF GUJARAT AT AHMEDABAD)

UNITED PHOSPHORUS LTD. Petitioner(s)

VERSUS

SALES TAX OFFICER CLASS-I & ANR Respondent(s)

(With appln(s) for directions)

Date: 01/03/2012 These applications were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE H.L. DATTU
HON'BLE MR. JUSTICE ANIL R. DAVE

For Petitioner(s) Dr. A.M. Singhvi, Sr. Adv.
Mr. Bijal Chatrapati, Adv.
Mr. Mahesh Agarwal, Adv.
Mr. Gaurav Goel, Adv.
Mr. E.C. Agrawala,Adv.

For Respondent(s) Mr. Preetesh Kapur, Adv.
Ms. Jesal, Adv.
Ms. Hemantika Wahi,Adv.

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

These applications are filed by the petitioner in SLP(C) No. 26070/2011. In the applications, a request is made to stay the demand notice issued by the respondents to recover the amount of duty of Rs.14,05,07,434/- (Rupees fourteen crores five lakhs seven thousand four hundred and thirty four only).

After hearing the learned counsels for the parties to the lis, we are of the opinion that the request made by the petitioner for grant of unconditional stay cannot be accepted. Accordingly, to balance the convenience of both the parties, we direct the petitioner/applicant to deposit a sum of rupees six crores within four weeks' time from today and furnish bank guarantee for the balance of the amount within the same time.

If, for any reason, the petitioner/applicant defaults in complying with the orders passed by this Court, the interim order passed by this Court stands vacated without reference to this Court and thereafter, the respondents would be at liberty to recover the entire amount from the petitioner.

If, for any reason, the petitioner/applicant succeeds in the special leave petition filed by them before this Court, the respondent/State shall refund the amount deposited by the petitioner pursuant to the orders and directions issued by this Court, within eight weeks' time from the date of the order with the usual interest that the State collects/recovers from the petitioner.

The applications are disposed of accordingly.

(NAVEEN KUMAR)
COURT MASTER

(SHARDA KAPOOR)
COURT MASTER