

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

Petition(s) for Special Leave to Appeal (Civil) No(s).33497/2010

(From the judgement and order dated 16/04/2010 in CEA No.52/2007  
of The HIGH COURT OF KARNATAKA AT BANGALORE)

CHIEF COMM.R.LARGE TAX PAYERS UNIT

Petitioner(s)

VERSUS

M/S TNT INDIA P.LTD.

Respondent(s)

(With prayer for interim relief)

Date: 30/09/2011 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE D.K. JAIN  
HON'BLE MR. JUSTICE ANIL R. DAVE

For Petitioner(s) Mr. B Bhattacharya, ASG  
Mr. Naresh Kaushik, Adv.  
Mr. Gaurav Dhingra, Adv.  
Mr. B. Krishna Prasad, Adv.

For Respondent(s) Mr. Joseph Vellapalli, Sr. Adv.  
Mr. S Sukumaran, Adv.  
Mr. Anand Sukumar, Adv.  
Mr. Bhupesh Kumar Pathak, Adv.  
Ms. Meera Mathur, Adv.

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

At the outset Mr. Joseph Vellapalli, learned senior counsel appearing for the respondent states that the respondent will have no objection if a fresh show cause notice is issued to the respondent, in terms of letter/order dated 9th January, 2006 and a fresh order in terms of order dated 29th November, 2006 passed by the Customs, Excise and Service Tax Appellate Tribunal, South Zonal Bench at Bangalore in Appeal No. ST/Misc./54/2006 in ST/33/2006 is passed.

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Mr. Bhattacharya, learned Additional Solicitor General appearing on behalf of the revenue submits that since the High Court has quashed notice/letter/order dated 9th January, 2006, it will not be possible for the adjudicating authority to issue fresh notice to the respondent in terms thereof.

It is agreed between the learned counsel that if a fresh notice in terms of Tribunal's order is issued by the adjudicating authority, the same may be adjudicated without being influenced by any observation made in the impugned order.

The special leave petition stands disposed of in the above terms.

[ Charanjeet Kaur ]  
Court Master

[ Kusum Gulati ]  
Court Master