

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)...../2011
CC 20019/2011

(From the judgement and order dated 13/04/2011 in WP No.16132/2010,
of The HIGH COURT OF ORISSA AT CUTTACK)

UNION OF INDIA & ORS. Petitioner(s)

VERSUS

ARYAN ISPAT & POWER PVT LTD. Respondent(s)

(With appln(s) for c/delay in filing SLP,c/delay in refiling SLP and
office report)

Date: 09/01/2012 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.L. DATTU
HON'BLE MR. JUSTICE CHANDRAMAULI KR. PRASAD

For Petitioner(s) Mr. Vivek Tankha, ASG
Mr. Krishna Kumar, Adv.
Mr. C. Harishankar, Adv.
Mr. A.K. Sharma, Adv.
Mr. B. Krishna Prasad,Adv.

For Respondent(s) Mr. Kartik Kurmy, Adv.
Mr. Praveen Kumar, Adv.

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

Delay condoned.

Mr. Tankha, learned ASG, appearing for the Union of India would submit that there is a divergent opinion rendered by the Gujarat High Court in the case of Dhariyal Chemicals Vs. Union of India reported as 2009 (234) E.L.T. 208 (Guj.) and Punjab and Haryana High Court in the case of Saviton Metplast (P) Ltd. Vs. Union of India reported as 2011 (263) E.L.T. 519 (P&H) and the matter requires consideration by this Court.

We have carefully seen the judgments rendered by both the Courts. We are of the opinion that since two High Courts have already taken a particular view and that view is not even noticed by the Orissa High Court, we deem it fit that this petition requires to be admitted.

Accordingly, leave granted.

Mr. Praveen Kumar, Advocate who has entered on caveat, accepts notice on behalf of the respondent.

Counter affidavit on the appeal as also on the

prayer for interim relief within four weeks from today.

(NAVEEN KUMAR)
COURT MASTER

(SHARDA KAPOOR)
COURT MASTER