

ITEM NO.58

COURT NO.2

SECTION XVI

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

I.A. Nos.61-75 of 2017 In
Petition(s) for Special Leave to Appeal (C) Nos.29749-29763/2016

(Arising out of impugned final judgment and order dated 30/09/2016
in CWJC No. 6674/2016 30/09/2016 in CWJC No. 6675/2016 30/09/2016
in CWJC No. 6676/2016 30/09/2016 in CWJC No. 6677/2016 30/09/2016
in CWJC No. 6707/2016 30/09/2016 in CWJC No. 6982/2016 30/09/2016
in CWJC No. 6988/2016 30/09/2016 in CWJC No. 7018/2016 30/09/2016
in CWJC No. 7019/2016 30/09/2016 in CWJC No. 7020/2016 30/09/2016
in CWJC No. 7021/2016 30/09/2016 in CWJC No. 7022/2016 30/09/2016
in CWJC No. 7804/2016 30/09/2016 in CWJC No. 7880/2016 30/09/2016
in CWJC No. 8188/2016 passed by the High Court of Patna)

STATE OF BIHAR AND ORS. ETC. ETC.

Petitioner(s)

VERSUS

CONFEDERATION OF INDIAN ALCOHOLIC BEVERAGE
COMPANIES AND ANR. ETC. ETC.

Respondent(s)

(With appln. (s) for bringing on record addl. facts and directions
and exemption from filing O.T. and interim relief and office
report)

WITH T.P. (C) Nos.2089-2090/2016

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

S.L.P.(Crl) No.262/2017

(With appln.(s) for exemption from filing c/c of the impugned
judgment and exemption from filing O.T. and interim relief and
office report)

Date : 31/03/2017 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DIPAK MISRA

HON'BLE MR. JUSTICE A.M. KHANWILKAR

For Petitioner(s) Mr. Keshav Mohan, Adv.
Mr. Gaurav Kejriwal, AOR
Mr. Piyush Choudhary, Adv.

Mr. Gopal Singh, AOR
Mr. Manish Kumar, Adv.

Mr. Shivam Singh, Adv.

For Respondent(s) Mr. Jaideep Gupta, Sr. Adv.
Mr. Ashish Gupta, Adv.
Mr. Ishan Gaur, Adv.
Mr. Aditya Mukherjee, Adv.
Mr. S. S. Shroff, AOR

Mr. Arun K. Sinha, AOR
Mr. Rakesh Singh, Adv.
Mr. Sumit Sinha, Adv.

Mr. T. Mahipal, AOR

Mr. Gopal Sankaranarayanan, Adv.
Mr. Senthil Jagadeesan, AOR
Mr. Govind Manoharan, Adv.
Mr. Zeeshan Diwan, Adv.
Ms. Shruti Iyer, Adv.

Ms. Vanita Bhargava, Adv.
Mr. Ajay Bhargava, Adv.
Mr. Arvind Kumar Ray, Adv.
Ms. Shreya Aggarwal, Adv.
M/s. Khaitan & Co.

Mr. Lalit Kumar Jha, AOR

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

I.A. Nos.61-75 of 2017 in S.L.P.(C) No.29749 of 2016

By this batch of interlocutory applications, the applicant, Confederation of Indian Alcoholic Beverage Companies, is basically seeking export of the old stocks, i.e. raw material and finished goods, lying in their ware houses and godowns of Bihar State Beverage Corporation (BSBCL).

When the matter was taken up on 28th March, 2017, Mr. Lalit Kishore, learned Advocate General for the State of Bihar, had submitted that he will obtain the instructions from the State.

Today, Mr. Keshav Mohan, learned counsel appearing for the State has produced the Resolution dated 30th March, 2017, of the Principal Secretary, Department of Excise, Prohibition and Registration, Government of Bihar. The relevant part of the Resolution reads as follows:-

"In compliance of the observation of the Hon'ble Supreme Court of India the State Government after due consideration has decided that the applicants will be allowed to export their old stocks, i.e. raw material and finished goods, lying in their ware houses and godowns of Bihar State Beverage Corporation (BSBCL) under following conditions:-

1. The applicants have to submit their detail stock position by or before 05.04.2017.
2. After receiving the stock position the inventory of the excisable article and non-excisable articles shall be prepared separately within 02 days jointly by the excise officers and representative of the applicant companies.
3. After preparation of the inventory, the applicants shall submit the export schedule of excisable articles. The Department of Prohibition and Excise shall provide the export order to the applicant companies within three days of the submission of export schedule and import permit from the other State. For the transportation of the non excisable article import permit and export order will not be required.
4. The applicants shall be allowed to export the excisable and non excisable article by or before 30.04.2017 and they will not be allowed to export the excisable and non excisable article after 30.04.2017.
5. The applicant companies shall have to submit the undertaking that no excisable and non-excisable article shall remain in their warehouse and godowns of the BSBCL after 30.04.2017.
6. No fee shall be chargeable for the export of any type of items."

Mr. Jaideep Gupta, learned senior counsel appearing for the applicants submits that they will abide by the conditions imposed in the Resolution, but instead of one month, two months' time may be granted. Mr. Keshav Mohan, learned counsel for the State has no objection to the same.

In view of the aforesaid, to export the old stocks, time is extended till 31st May, 2017, and it is further directed that the applicant shall strictly abide by the conditions mentioned herein-above. The compliance with the conditions will not debar the applicants to project their submissions in the special leave petitions.

The interlocutory applications are, accordingly, disposed of.

(Chetan Kumar)
Court Master

(Madhu Narula)
Court Master