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SLP(C)No. 11992 OF 2004  
ITEM No.26

Court No. 4

SECTION III

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.11992/2004

(From the judgement and order dated 27/01/2004 in CMWP 1391/03  
of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

STATE OF U.P. & ORS

Petitioner (s)

VERSUS

MONU ENTERPRISES & ORS

Respondent (s)

(With prayer for interim relief)

With

SLP(C)No.12018/2004, SLP(C)No.12077/2004, SLP(C)No.12078/2004,  
SLP(C)No.12080/2004, SLP(C)No.12095/2004, SLP(C)No.12245/2004,  
SLP(C)No.12368/2004, SLP(C)No.12370/2004, SLP(C)No.12373/2004,  
SLP(C)No.12376/2004, SLP(C)No.12378/2004, SLP(C)No.12382/2004,  
SLP(C)No.12423/2004, SLP(C)No.12425/2004, SLP(C)No.12427/2004,  
SLP(C)No.12431/2004, SLP(C)No.12437/2004, SLP(C)No.12561/2004,  
SLP(C)No.12562/2004, SLP(C)No.12577/2004, SLP(C)No.12578/2004,  
SLP(C)No.12579/2004, SLP(C)No.12582/2004, SLP(C)No.12583/2004,  
SLP(C)No.13411/2004, SLP(C)No.13423/2004, SLP(C)No.15062/2004,  
SLP(C)...CC 6360/2004

Date : 06/08/2004 These Petitions were called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE RUMA PAL  
HON'BLE MR. JUSTICE ARUN KUMAR

For Petitioner (s)

Mr. Punit Dutt Tyagi, Adv.

For Respondent (s)

Mr. Dhruv Agrawal, Adv.  
Mr. Praveen Kumar, Adv.

UPON hearing counsel the Court made the following

O R D E R

Delay condoned.

Leave granted.

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The operation of the impugned judgment is stayed subject to the appellant's depositing all taxes that may be realized by the appellant from the respondents after 27.1.2004 in a separate interest bearing account. This amount and the interest accrued thereon shall be held subject to the further orders of this Court.

It is clarified that the respondent shall not be liable to pay any amount the recovery of which was stayed by any interim order passed by the High Court. The respondent shall also not be liable to pay any amount which the appellants may claim to be due for the period, i.e., between the period of the decision of the High Court and this Court's order dated 9th February, 2004. However, any existing quantified demand which is not subject to an interim order in any proceedings before the High Court or any other authority, may be realised by the appellants from the applicant. Such realisation shall be subject to the same conditions as has been imposed in respect of realisations of tax post 27th January, 2004. By the phrase "existing quantified demand", we intend and mean that the appellant shall not take steps to revise or reopen any assessment already made.

Tag with CA Nos. 997-998/2004.

[SUMAN WADHWA][MADHU SAXENA)  
COURT MASTER COURT MASTER