SLP(C)No. 14037 OF 2004
ITEM No.48   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.14037/2004

    (From the judgement and order dated 27/01/2004 in CWMP 1504/03
     of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

    STATE OF U.P. & ORS.   Petitioner (s)

                              VERSUS

    M/S ZAIDI BROTHERS   Respondent (s)

(With prayer for interim relief)
(With office report)
  With
SLP(C)No.14063/2004

    Date : 2/08/2004 This Petition was called on for hearing today.

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

    For Petitioner (s) Mr.Sunil Gupta,Sr.Adv.
    Mr. Vivek Vishnoi,Adv.
                        Mr. Punit Dutt Tyagi,Adv.
    For Respondent (s)

         UPON hearing counsel the Court made the following
                         O R D E R
Leave granted.
The operation of the impugned judgment is stayed subject to the appellant's depositing all tax
es that may be realized by the appellant from the respondents after 27.1.2004 in a separate in
terest 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 applicant shall not be liable to pay any amount the recovery of which
 was stayed by any interim order passed by the High Court. The applicant shall also not be li
able to

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pay any amount which the appellants may claim to be due for the period, i.e., between the peri
od 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 b
efore the High Court or any other authority, may be realised by the appellants from the applic
ant. 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", w
e intend and mean that the appellant shall not take steps to revise or reopen any assessment a
lready made.
Tag with CA Nos. 997-998/2004.

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