

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). 9505/2017
(Arising out of SLP(C) No. 18602/2012)

UNION OF INDIA

APPELLANT (S)

VERSUS

THE STATE OF BIHAR & ORS.

RESPONDENT (S)

O R D E R

Leave granted.

The respondent-State of Bihar is demanding entry tax from the appellant (Eastern Railways) for HSD Oil at Rail Consuming Depot, Jamalpur which provides fuel to diesel locomotive plying on the Eastern corridor of the East Central Railway. The appellant had challenged the demand of entry tax by filing a writ petition in the High Court of Judicature at Patna which has been decided against it as the High Court has held that the entry tax would be payable. The learned counsel for the respondent/State has produced before us a copy of order dated 21.04.2017 passed in Civil Appeal No. 5474 of 2017 titled as Union of India & Anr. vs. State of Karnataka & Anr. That case also pertains to Railways and the question was as to whether that part of Diesel which is used within the State of Karnataka would be exigible to entry tax. This Court vide the aforesaid order had decided the said question in Civil Appeal No. 5474 of 2017.

Learned counsel for the appellant submitted that the said

judgment does not deal with the issue as to whether the appellant (Eastern Railways) can be treated as "dealer" within the meaning of the Bihar Tax on Entry of Goods Into Local Areas For Consumption, Use or Sale Therein Act, 1993. We find that this issue has finally been decided by the Division Bench of the Patna High Court in the case of the appellant (Eastern Railways) itself in Miscellaneous Appeal No. 883 of 2010 vide judgment dated 27.08.2012 holding the appellant to be the 'dealer' within the meaning of the Bihar Tax on Entry of Goods Into Local Areas For Consumption, Use or Sale Therein Act, 1993. No appeal is preferred by the appellant (Eastern Railways) against the said judgment.

In view of the aforesaid position, we do not find any merit in this appeal, which is, accordingly, dismissed.

.....J.
[A.K. SIKRI]

.....J.
[ASHOK BHUSHAN]

NEW DELHI;
JULY 19, 2017.

ITEM NO.11.1 & 11.78

COURT NO.7

SECTION XI-A

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

Petition for Special Leave to Appeal (c) No. 18602/2012

UNION OF INDIA

Appellant(s)

VERSUS

THE STATE OF BIHAR & ORS.

Respondent(s)

WITH

SLP(C) No. 15179/2008

Date : 19-07-2017 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE A.K. SIKRI
HON'BLE MR. JUSTICE ASHOK BHUSHAN

For Appellant(s)	Mr. A.K. Panda, Sr. Adv.
In SLP(C) No.	Mr. R.K. Rathore, Adv.
18602/2012	Mr. Vibhu Shanker Mishra, Adv.
	Ms. Sushma Verma, Adv.
	Mr. Praneet Pranav, Adv.
	Mr. Raj Bahadur, Adv.
	Mr. S.N. Terdal, Adv.
	Mr. B. Krishna Prasad, AOR

In SLP(C) No.	
15179/2008	Mr. S.K. Bagaria, Sr. Adv. (Mentioned by)

For Respondent(s)	Mr. M. Shoeb Alam, AOR
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UPON hearing the counsel the Court made the following
O R D E RSLP(C) No. 15179/2008

Tag with Civil Appeal No. 2348 of 2004.

SLP(C) No. 18602/2012

Leave granted.

The appeal is dismissed in terms of the signed order.

Pending application(s), if any, stands disposed of accordingly.

(ASHWANI KUMAR)
COURT MASTER

(MALA KUMARI SHARMA)
COURT MASTER

(Signed order is placed on the file)

ITEM NO.11

COURT NO.7

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

Civil Appeal No(s). 3381-3400/1998

STATE OF KERALA AND OTHERS

Appellant(s)

VERSUS

FR.WILLIAM FERNANDEZ ETC ETC

Respondent(s)

(FOR INTERVENTION APPLICATION ON IA 1/2001 FOR INTERVENTION
APPLICATION ON IA 2/2011 FOR INTERVENTION APPLICATION ON IA /2012)

WITH

SLP(C) No. 2459/2010 (XI -A)
 SLP(C) No. 12690/2010 (XI -A)
 SLP(C) No. 4390/2010 (XI -A)
 C.A. No. 8063/2017 (XII-A)
 C.A. No. 8064-8066/2017 (XII-A)
 SLP(C) No. 1426/2013 (XI -A)
 SLP(C) No. 4389/2010 (XI -A)
 SLP(C) No. 4388/2010 (XI -A)
 C.A. No. 8068/2017 (XII-A)
 SLP(C) No. 9693-9695/2013 (XVI)
 C.A. No. 918/1999 (XI -A)
 SLP(C) No. 6763/2010 (XI -A)
 SLP(C) No. 8939/2013 (XI -A)
 SLP(C) No. 6765/2010 (XI -A)
 C.A. No. 8149/2017 (XII-A)
 W.P. (C) No. 66/2004 (X)
 SLP(C) No. 9844/2013 (XI -A)
 C.A. No. 8062/2017 (XII-A)
 C.A. No. 8067/2017 (XII-A)
 SLP(C) No. 4362/2010 (XI -A)
 SLP(C) No. 5309/2010 (XI -A)
 SLP(C) No. 4511/2010 (XI -A)
 SLP(C) No. 3387/2010 (XI -A)
 SLP(C) No. 4572/2010 (XI -A)
 C.A. No. 8156/2017 (XII-A)
 SLP(C) No. 9548/2009 (XI -A)
 SLP(C) No. 16867/2013 (XI -A)
 SLP(C) No. 16869/2013 (XI -A)
 SLP(C) No. 16870/2013 (XI -A)
 SLP(C) No. 5407/2008 (XVI)
 SLP(C) No. 5408/2008 (XVI)
 C.A. No. 8140/2017 (XII-A)
 C.A. No. 8141/2017 (XII-A)
 SLP(C) No. 11060/2013 (XI -A)
 SLP(C) No. 10516/2013 (XI -A)

SLP(C) No. 16744-16746/2013 (XI -A)
SLP(C) No. 7929/2010 (XI -A)
C.A. No. 4210/2012 (XI -A)
C.A. No. 8073-8083/2017 (XII-A)
C.A. No. 8143/2017 (XII-A)
SLP(C) No. 8231/2015 (XIV)
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SLP(C) No. 7356/2010 (XVI)
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SLP(C) No. 9022/2010 (XI -A)
SLP(C) No. 9077/2010 (XI -A)
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C.A. No. 8146/2017 (XII-A)
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C.A. No. 8159/2017 (XII-A)
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C.A. No. 8132/2017 (XII-A)
C.A. No. 8127/2017 (XII-A)
C.A. No. 8144/2017 (XII-A)

C.A. No. 8139/2017 (III)
C.A. No. 8133/2017 (XII-A)
C.A. No. 8145/2017 (XII-A)
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C.A. No. 8736/2012 (XI -A)
C.A. No. 8740/2012 (XI -A)
SLP(C) No. 35038/2009 (IV-A)
C.A. No. 8739/2012 (XI -A)
C.A. No. 8735/2012 (XI -A)
C.A. No. 8741/2012 (XI -A)
C.A. No. 8744/2012 (XI -A)
C.A. No. 9292/2012 (XI -A)
C.A. No. 8158/2017 (XII-A)
C.A. No. 8157/2017 (XII-A)
SLP(C) No. 37712/2012 (XI -A)
C.A. No. 8745/2012 (XI -A)
SLP(C) No. 40147/2012 (XI -A)
SLP(C) No. 36187/2012 (XI -A)
SLP(C) No. 1820/2010 (XI -A)
C.A. No. 2042/2011 (XI -A)
SLP(C) No. 6762/2010 (XI -A)
C.A. No. 2041/2011 (XI -A)
SLP(C) No. 40146/2012 (XI -A)
SLP(C) No. 37455/2012 (XI -A)
C.A. No. 9293/2012 (XI -A)
SLP(C) No. 4387/2010 (XVI)
SLP(C) No. 37728/2012 (XI -A)
SLP(C) No. 37708-37709/2012 (XI -A)
C.A. No. 5860/2012 (XI -A)
C.A. No. 5861/2012 (XI -A)
SLP(C) No. 36486/2010 (XI -A)
SLP(C) No. 16820/2016 (XI -A)
SLP(C) No. 38304/2012 (XI -A)
SLP(C) No. 38919/2012 (XI -A)
SLP(C) No. 449/2013 (XI -A)
SLP(C) No. 2538-2543/2015 (XV)
T.C. (C) No. 149/2013 (XVI -A)
T.C. (C) No. 13/2004 (XVI -A)

Date : 19-07-2017 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE A.K. SIKRI
HON'BLE MR. JUSTICE ASHOK BHUSHAN

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Mr. Ajay Bhargava, Adv.
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Ms. Beena Prakash, Adv.

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M/s Mitter & Mitter Co., AOR

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Mr. M.S. Saran, Kumar, Adv.

Mr. P. K. Manohar, AOR

Mr. Tushar Jarwal, Adv.

Mr. Rahul Sateerja, Adv.

Ms. Fereshte D. Sethna, Adv.

Ms. Anuradha Dutt, Adv.

Mr. Rahul Sateerja, Adv.

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Ms. Sansriti Pathak, Adv.

Ms. Apporva Garg, Adv.

Ms. Rituraj Biswas, Adv.

Mr. Pranab Prakash, Adv.

Mr. Shivam Singh, Adv.

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Mr. Raj Bahadur Yadav, Adv.

Mr. Vikash Singh, AOR

Mr. D.K. Singh, Adv.

Ms. Komal Mundhra, Adv.

Mr. Saurabh Agrawal, Adv.

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Ms. Reena Roy, Adv.

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Mr. Abhishek Anand, Adv.
Mr. Udin Jain, Adv.
Mr. Somnath Shukla, Adv.
Ms. Ashwini Chandrasekaran, Adv.
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Mr. Harish Pandey, Adv.

Mr. Abhay Anand Jena, Adv.
Ms. Bina Gupta, AOR
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Mr. S.K. Bagaria, Sr. Adv.
Mr. Kumar Ajit Singh, Adv.
Mr. Praveen Kumar, Adv.
Ms. Babita S., Adv.

Mr. G.C. Baruka, Sr. Adv.
Mr. Praveen Kumar, Adv.
Ms. Babita S., Adv.
Mr. Sunil Kumar Jain, AOR

Ms. Anil Katiyar, AOR

M/s. Venkat Palwai Law Associates, AOR

Mr. Devashish Bharuka, AOR

M/s. Arputham Aruna And Co, AOR

Mr. Jagdeep Dhankar, Sr. Adv.

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Ms. Priyanka Parida, Adv.
Mr. M.A. Aleem Majid, Adv.

Mr. Ashok Kumar Gupta II, AOR

Mr. Ashok Panigrahi, AOR

Mr. K. K. Mani, AOR

Mr. Ajay Choudhary, AOR

Ms. Ruby Singh Ahuja, Adv.
Mr. Vishal Gehrana, Adv.
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Heard in part

List on 20.07.2017 as part-heard.

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(MALA KUMARI SHARMA)
COURT MASTER