

ITEM NO.37

COURT NO.1

SECTION III

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(s) for Special Leave to Appeal (C)...CC No(s). 14210/2015

(Arising out of impugned final judgment and order dated 01/12/2014 in DBCWP No. 8805/2013 passed by the High Court of Rajasthan at Jaipur)

M/S. ASHIANA HOUSING LTD.

Petitioner(s)

VERSUS

STATE OF RAJASTHAN AND ORS.

Respondent(s)

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

WITH

S.L.P.(C)...CC No. 14221/2015

(With appln.(s) for c/delay in filing SLP and Office Report)

S.L.P.(C)...CC No. 14231/2015

(With appln.(s) for c/delay in filing SLP and Office Report)

Date : 14/08/2015 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN MISHRA
HON'BLE MR. JUSTICE AMITAVA ROY

For Petitioner(s) Mr. B.A. Khan, Sr. Adv.
Mr. Deepak Kanwar, Adv.
Mr. Sudarshan Singh Rawat, Adv.
Mr. Charit Mohan, Adv.

Mr. Gaurav Singh, Adv.
Mr. Vikas Singh Jangra, Adv.
Mr. Amit Kumar Pathak, Adv.
Ms. Bhakti Vardan Singh, Adv.
Mr. Jeevesh Mehta, Adv.

Mr. Sameer Jain, Adv.
Mr. Vikram Kr. Gogra, Adv.
Mr. Rabin Majumder, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following

O R D E R

Delay condoned.

Notice.

Insofar as the interim orders are concerned, we direct the petitioners to pay 50 per cent of the arrears of the tax/demand levied under the Rajasthan Tax on Entry of Goods into Local Area Act, 1999, if not already paid, within six weeks' time from today. For the balance amount to furnish Bank Guarantee within the same time.

We clarify that, if, for any reason, the respondent(s)/Sales Tax authorities have recovered any amounts from the petitioners, the petitioners will not claim any refund of the amounts so paid.

Insofar as the future payments are concerned, the petitioner(s) shall pay the entire demands.

If, for any reason, the petitioners succeed in these matters, the respondent-State shall refund the entire amount within a month's time from the date of the order passed by this Court.

If, for any reason, the respondent fail to refund the moneys due to the assessee/traders/businessmen/company(s), the amount will carry

statutory interest.

List along with Civil Appeal No.3453 of
2002.

(Neetu Khajuria)
Sr.P.A.

(Vinod Kulvi)
Assistant Registrar