

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

INTERLOCUTORY APPLICATION NO.2
(Application for modification of Order dated 20.03.2015)

IN
PETITION FOR SPECIAL LEAVE TO APPEAL © No. 7874 OF 2015
WITH
PRAYER FOR INTERIM RELIEF

Bhilai Jaypee Cement Ltd.Petitioner

-Versus-

State of Madhya Pradesh & Ors.Respondents

OFFICE REPORT

The matter above-mentioned was listed before the Hon'ble Court on 20th March, 2015 when the Hon'ble Court was pleased to pass the following order:-

Notice.

Tag with Special Leave Petition (C) No.14828 of 2008.

Insofar as the interim order is concerned, we direct the petitioner to pay 50 per cent of then arrears of the tax/demand levied under the Madhya Pradesh Sthaniya Kshetra Me Mal Ke Pravesh Par Kar Adhiniyam, 1976, 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 respondents authorities have recovered any amounts from the petitioner, the petitioner will not claim any refund of the amounts so paid.

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

If, for any reason, the petitioner succeeds in this petition, 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 respondents fail to refund the moneys due to the assessee/company, the amount will carry statutory interest.

Accordingly, show cause notice was issued to all the four respondents on 15th April, 2015 through registered A.D. Post. Service of show cause notice is awaited. A copy of notice was also sent to Mr. C.D. Singh (standing counsel for the State of M.P.)

but he has not filed Vakalatnama/Appearance on behalf of respondents/State of M.P. so far.

It is submitted that Counsel for the Petitioner has on 9th May, 2015 filed application for modification of this Hon'ble Court's order dated 20th March, 2015 and the same has been registered as I.A.No.2. Copies of the same have been tagged with the main S.L.P. paper books.

The application mentioned above is listed before the Hon'ble Court with this office report.

Dated this the 1st Day of June, 2015.

ASSISTANT REGISTRAR

Copy to:-

1. Ms. Sharmila Upadhyay, Advocate
303, Setalvad Block
Supreme Court of India.
2. Mr. C.D. Singh,
(standing counsel for the state of M.P.)

ASSISTANT REGISTRAR

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