

ITEM NO.42

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) No(s). 7874/2015

(Arising out of impugned final judgment and order dated 20/12/2014 in WP No. 19964/2014 passed by the High Court of M.P. at Jabalpur)

BHILAI JAYPEE CEMENT LIMITED

Petitioner(s)

VERSUS

STATE OF MADHYA PRADESH & ORS.

Respondent(s)

(With appln. (s) for exemption from filing c/c of the impugned judgment, prayer for interim relief and office report)

Date : 20/03/2015 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE M.Y. EQBAL
HON'BLE MR. JUSTICE ARUN MISHRA

For Petitioner(s) Mr. S.B. Upadhyay, Sr. Adv.
Ms. Sharmila Upadhyay, Adv.
Mr. Pawan Upadhyay, Adv.
Mr. Param Mishra, Adv.
Mr. Kaustuv Pathak, Adv.
Mr. S.P. Singh, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

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 the
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.

(Neetu Khajuria)
Sr.P.A.

(Vinod Kulvi)
Assistant Registrar