

SED

ITEM NO.20

COURT NO.1

SECTION III

S U P R E M E C O U R T O F
R E C O R D O F P R O C E E D I N G S

I N D I A

Petition(s) for Special Leave to Appeal (C)..... of 2015
CC No(s). 21367/2015

(Arising out of impugned final judgment and order dated 09/12/2013
in WT No. 410/2013 passed by the High Court Of Judicature at
Allahabad)

STATE OF U.P AND ORS.

Petitioner(s)

VERSUS

M/S. CASA INTERIORE AND ANR.

Respondent(s)

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

WITH S.L.P.(C)..... of 2015 (CC No. 21378/2015)
(With appln.(s) for c/delay in filing SLP and Office Report)

S.L.P.(C)..... of 2015 (CC No. 21578/2015)
(With appln.(s) for c/delay in filing SLP and Office Report)

Date: 11/12/2015 These petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE A.K. SIKRI
HON'BLE MRS. JUSTICE R. BANUMATHI

For Petitioner(s)

Mr. Sanjay Kumar Visen, Adv.
Mr. Abhishek Chaudhary, Adv.

For Respondent(s)

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

Heard.
Delay condoned.

Issue notice.

Signature Not Verified

Digitally signed by
Mahabir Singh
Date: 2015.12.19
12:54:09 IST
Reason:

Tag along with SLP(C) No.19445 of 2004 and connected
matters.

In terms of order dated 29th November, 2013, we pass the
following order:

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- (1) The State shall be free to recover transit fee for forest produce removed from within the State of U.P. at the rate stipulated in the 3rd amendment to the Rules mentioned in the earlier 30 part of that order.
- (2) Any such recover shall remain subject to the ultimate outcome of present petitions pending in this Court.
- (3) In the event of writ petitioners/private parties succeeding in their cases, the amount

deposited/recovered from them shall be refunded to them with interest at the rate of 9% p.a. from the date the deposit was made till actual refund.

- (4) The State shall maintain accurate amount of recovery made and the nature and the quantum/quantity of the produce removed by the private parties concerned.
- (5) Even in the 2nd batch of cases arising out of Writ Petition No.975 of 2004 whereby the High Court has struck down the 4th and 5th amendment to the Rules, the State shall be free to make recoveries in terms of the 3rd amendment in regard to the forest produced removed from within the State of U.P. The operation of the orders passed by the High Court shall to the extent remain stayed.
- (6) This modification shall not apply to exempted goods or industrial by-products like Klinker and fly ash.

(MAHABIR SINGH)
COURT MASTER

(VEENA KHERA)
COURT MASTER

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ITEM NO.20

COURT NO.1

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 (C)..... of 2015
CC No(s). 21367/2015

(Arising out of impugned final judgment and order dated 09/12/2013 in WT No. 410/2013 passed by the High Court Of Judicature at Allahabad)

STATE OF U.P AND ORS.

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VERSUS

M/S. CASA INTERIORE AND ANR.

Respondent(s)

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

S.L.P.(C)..... of 2015 (CC No. 21578/2015)
(With appln.(s) for c/delay in filing SLP and Office Report)

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HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE A.K. SIKRI
HON'BLE MRS. JUSTICE R. BANUMATHI

For Petitioner(s) Mr. Sanjay Kumar Visen, Adv.
Mr. Abhishek Chaudhary, Adv.

For Respondent(s)

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

Heard.

Delay condoned.

Issue notice.

Tag along with SLP(C) No.11367 of 2007 and connected

matters.

In terms of order dated 29th November, 2013, we pass the following order:

4

- (1) The State shall be free to recover transit fee for forest produce removed from within the State of U.P. at the rate stipulated in the 3rd amendment to the Rules mentioned in the earlier 30 part of that order.
- (2) Any such recover shall remain subject to the ultimate outcome of present petitions pending in this Court.
- (3) In the event of writ petitioners/private parties succeeding in their cases, the amount deposited/recovered from them shall be refunded to them with interest at the rate of 9% p.a. from the date the deposit was made till actual refund.
- (4) The State shall maintain accurate amount of recovery made and the nature and the quantum/quantity of the produce removed by the private parties concerned.
- (5) Even in the 2nd batch of cases arising out of Writ Petition No.975 of 2004 whereby the High Court has struck down the 4th and 5th amendment to the Rules, the State shall be free to make recoveries in terms of the 3rd amendment in regard to the forest produced removed from within the State of U.P. The operation of the orders passed by the High Court shall to the extent remain stayed.
- (6) This modification shall not apply to exempted goods or industrial by-products like Klinker and fly ash.

(MAHABIR SINGH)
COURT MASTER

(VEENA KHERA)
COURT MASTER