

ITEM NO.7

COURT NO.7

SECTION X

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). 19445/2004

(Arising out of impugned final judgment and order dated 01-07-2004 in WP No. 1124/2001 passed by the High Court of Uttarakhand at Nainital)

STATE OF UTTARANCHAL & ORS.

Petitioner(s)

VERSUS

M/S. KUMAON STONE CRUSHER

Respondent(s)

(ALL THE MATTERS ARE LISTED EXCEPT MAIN MATTER VIZ.
SLP(C)19445/2004)

WITH

SLP(C) No. 3189/2012 (XI)
SLP(C) No. 1675/2012 (XI)
SLP(C) No. 8713/2008 (IV-A)
SLP(C) No. 10601/2008 (IV-A)
SLP(C) No. 9523/2008 (IV-A)
SLP(C) No. 6959/2008 (IV-A)
SLP(C) No. 6958/2008 (IV-A)
SLP(C) No. 950/2012 (XI)
SLP(C) No. 1031/2012 (XI)
SLP(C) No. 948/2012 (XI)
SLP(C) No. 1169/2012 (XI)
SLP(C) No. 1197/2012 (XI)
SLP(C) No. 2213-2220/2012 (XI)
T.P. (C) No. 76/2012 (XVI -A)
T.P. (C) No. 77/2012 (XVI -A)
SLP(C) No. 1697/2012 (XI)
SLP(C) No. 2082/2012 (XI)
SLP(C) No. 2236/2012 (XI)
SLP(C) No. 2081/2012 (XI)
SLP(C) No. 2399/2012 (XI)
SLP(C) No. 3152-3164/2012 (XI)
SLP(C) No. 2938-2951/2012 (XI)
SLP(C) No. 3192-3199/2012 (XI)
SLP(C) No. 1822/2012 (XI)
SLP(C) No. 4832/2012 (XI)
SLP(C) No. 4002-4008/2012 (XI)
SLP(C) No. 6144/2012 (XI)
SLP(C) No. 3512-3524/2012 (XI)
SLP(C) No. 3320-3338/2012 (XI)
SLP(C) No. 3490-3499/2012 (XI)
SLP(C) No. 13019-13022/2012 (XI)
SLP(C) No. 12808-12823/2012 (XI)

SLP (C) No. 3624-3639/2012 (XI)
 SLP (C) No. 6822/2012 (XI)
 SLP (C) No. 11395/2013 (XI)
 SLP (C) No. 6614/2012 (XI)
 SLP (C) No. 6807/2012 (XI)
 SLP (C) No. 5965/2012 (XI)
 SLP (C) No. 4761/2012 (XI)
 SLP (C) No. 4882-4884/2012 (XI)
 SLP (C) No. 6047-6050/2012 (XI)
 SLP (C) No. 5911/2012 (XI)
 SLP (C) No. 11917-11933/2013 (XI)
 SLP (C) No. 16261-16283/2013 (XI)
 SLP (C) No. 16316-16344/2013 (XI)
 SLP (C) No. 6715/2012 (XI)
 C.A. No. 2047/2006 (X)
 SLP (C) No. 16285-16298/2013 (XI)
 SLP (C) No. 5760/2012 (XI)
 SLP (C) No. 6147-6171/2012 (XI)
 SLP (C) No. 8991-8995/2012 (XI)
 SLP (C) No. 12577/2013 (XI)
 SLP (C) No. 6532/2012 (XI)
 SLP (C) No. 6588/2012 (XI)
 SLP (C) No. 6937/2012 (XI)
 SLP (C) No. 5558/2012 (XI)
 SLP (C) No. 12967-12988/2012 (XI)
 SLP (C) No. 12989-13001/2012 (XI)
 SLP (C) No. 7199/2012 (XI)
 SLP (C) No. 7702/2012 (XI)
 SLP (C) No. 16846-16860/2013 (XI)
 SLP (C) No. 8775/2012 (XI)
 SLP (C) No. 10499/2012 (XI)
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 SLP (C) No. 7491/2012 (XI)
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 CONMT.PET. (C) No. 199-201/2014 In SLP (C) No. 31530-31532/2011 ()
 SLP (C) No. 2776-2786/2014 (XI)
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 SLP (C) No. 13684/2014 (XI)
 SLP (C) No. 15401-15402/2012 (XI)
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 W.P. (C) No. 203/2009 (X)
 C.A. No. 2797/2008 (III-A)
 SLP (C) No. 15555-15562/2012 (XI)
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 C.A. No. 2821/2008 (III-A)
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 C.A. No. 2739-2762/2008 (III-A)
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C.A. No. 2734/2008 (III-A)
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 C.A. No. 2737/2008 (III-A)
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 C.A. No. 2706/2008 (III-A)
 SLP(C) No. 22760/2013 (XI)
 SLP(C) No. 2788-2811/2014 (XI)
 SLP(C) No. 24075-24094/2012 (XI)
 SLP(C) No. 23682-23695/2012 (XI)
 C.A. No. 2862-2863/2008 (III-A)
 SLP(C) No. 21030-21031/2012 (XI)
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 C.A. No. 2732/2008 (III-A)
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 C.A. No. 2819/2008 (III-A)
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 SLP(C) No. 29725/2009 (XI)
 CONMT.PET.(C) No. 585-587/2016 In SLP(C) No. 31530-31532/2011 ()
 SLP(C) No. 30535/2012 (XI)
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 SLP(C) No. 36975-36981/2012 (XI)
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 S.L.P.(C)...CC No. 22596/2015 (XI)
 CONMT.PET.(C) No. 251/2008 In C.A. No. 2797/2008 (III-A)
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 SLP(C) No. 29549/2016 (XI)
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S.L.P. (C) ...CC No. 22210/2016 (XI)
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 C.A. No. 1010/2011 (X)
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 SLP(C) No. 35813/2016 (XI)
 SLP(C) No. 4943-4947/2013 (XI)
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 SLP(C) No. 134-136/2012 (XI)
 SLP(C) No. 1684/2012 (XI)
 SLP(C) No. 2433/2012 (XI)
 SLP(C) No. 1874/2012 (XI)
 T.P. (C) No. 18/2012 (XVI -A)
 SLP(C) No. 1198/2012 (XI)
 SLP(C) No. 1074/2012 (XI)
 T.P. (C) No. 44/2012 (XVI -A)
 SLP(C) No. 652/2012 (XI)
 SLP(C) No. 738/2012 (XI)
 SLP(C) No. 146-147/2012 (XI)
 SLP(C) No. 877-878/2012 (XI)
 SLP(C) No. 981/2012 (XI)
 SLP(C) No. 8204-8209/2013 (XI)
 SLP(C) No. 3457/2016 (XI)

Date : 27-07-2017 This petition was called on for hearing today.

CORAM :

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

For Petitioner(s) Mr.M. R. Shamshad, AOR

Mr. Mishra Saurabh, AOR

Mr. S.B. Upadhyay, Sr.Adv.
 Mr. Gaurav Jain, Adv.
 Ms. Abha Jain, Adv.
 Mr. Jaivir Singh, Adv.

Mr. Arun Kathpalia, Adv.
 Mr. Abhijit Sengupta, Adv.

Mr. Nitesh Kumar Singh, Adv.

Mr. Abhishek Bhardwaj, Adv.
Mr. Sye Shahid Hussain Rizvi, AOR

Mr. Vijay Monohar Sahi, Sr.Adv.
Mr. Prashant Kumar, Adv.
Mr. Mukesh Prasad, Adv.for
M/s. Ap & J Chambers, AOR

Mr. Ajai Kumar Bhatia, Adv.
Mr. Vijay S. Bishnoi, Adv.
Mr. Jatinder Kumar Bhatia, AOR

Mr. S.B. Upadhyay, Sr.Adv.
Mr. Pawan Upadhyay, Adv.
Ms. Anisha Upadhyay, Adv.
Mr. Sarvjit Pratap Singh, Adv.
Mr. Nishant Kr., Adv.
Mr. Sharmila Upadhyay, AOR

Mr. D.K. Singh, AAG
Ms. Pareena Swarup, Adv.
Mr. Anuvrat Sharma, Adv.
Mr. Abhishek Chaudhary, AOR

Mr. E. C. Agrawala, AOR

Mr. Piyush Sharma, AOR

Mr. Pawanshree Agrawal, AOR

Ms. Rachana Srivastava, AOR

Mr. R. Venkataramani, Sr.Adv.
Mr. Surender Kumar Gupta, Adv.
Mr. Yashsraj Singh Bunela, Adv.
Mr. Arun K. Sinha, AOR

Ms. Mukti Chowdhary, AOR

Mr. Manish Kumar Saran, AOR

Mr. Aniruddha P. Mayee, AOR

Mr. Samir Ali Khan, AOR
Mr. Akshat Goel, Adv.

Mr. K. V. Sreekumar, AOR

Mr. Shamik Shirishbhai Sanjanwala, AOR

Mr. Kamendra Mishra, AOR

Mr. Arun Kathpalia, Sr.Adv.
Mr. D. Bharat Kumar, Adv.
Mr. S. Rambabu, Adv.
Mr. Angad Mehta, Adv.
Nr. Tadimala Boskar Gowtham, Adv.
Mr. Abhijit Sengupta, AOR

Mr. Arvind Kumar, AOR

Ms. E. R. Sumathy, AOR

Mr. Garvesh Kabra, AOR

Mr. Udit Chandra, Adv.
Mr. Ashwin K., Adv.
Ms. Hema Malik, Adv.
Ms. K. V. Bharathi Upadhyaya, AOR

Mr. Nirnimesh Dube, AOR

Ms. Mridula Ray Bharadwaj, AOR

Mr. Pradeep Gupta, Adv.
Mr. Parinav Gupta, Adv.
Mr. Moazzam Ali, Adv.
Mr. K. K. Mohan, AOR

Mr. Jitendra Mohan Sharma, AOR

Mr. Ajit Sharma, AOR

Mr. Kamal Mohan Gupta, AOR

Mr. Ravindra S. Garia, AOR

Mr. Kaushal Yadav, AOR

Ms. N. Annapoorani, AOR

Ms. Anita Bafna, AOR

Mr. Prasanth P., Adv.
Mr. T. Harish Kumar, AOR

Mr. Praveen Jain, AOR

Mr. Prashant Kumar, AOR

Ms. Pavan Kumar, AOR

Ms. Aruna Gupta, AOR

Mr. N.D.B. Raju, Adv.
Mr.M. A. Chinnasamy, AOR

Mr. Shrish Kumar Misra, AOR

Mr. Gaurav Dhingra, AOR

Mr. Pramod Dayal, AOR

Mr. Shiv Prakash Pandey, AOR

Mr. Pragati Neekhara, AOR

Mr. R. P. Gupta, AOR

Mr. Jitendra Kumar, AOR

Mr. R. D. Upadhyay, AOR
Mohd. Shahid Hussain, Adv.

Mr. Prateek Rusia, Adv.
Mr.C. D. Singh, AOR

Mr. Anil Kumar Jha, AOR

Mr. Aftab Ali Khan, AOR

Mr.Neeraj Shekhar, AOR

Mr. Nishit Agrawal, Adv,
Mr.Vipin Kumar Jai, AOR

Mr. Pahlad Singh Sharma, AOR

Mr. Santosh Kumar Tripathi, AOR

Ms. Bharti Tyagi, AOR

Mr. Ashok Kumar Singh, AOR

Mr. R. C. Kaushik, AOR

Ms. Bhuvneshwari Pathak, Adv.
Ms. Shilpi Satyapariya Satyam, Adv.
Mr. Rahul Kaushik, AOR

Mr. Arjun Garg, AOR

Mr. Ambhoj Kumar Sinha, AOR

Ms. Tulika Prakash, AOR

Mr. Prag P. Tripathi, Sr.Adv.
Mr. Syed Shahid Hussain Rizvi, Adv.
Mr. N.A. Usmani, Adv.

Mr. Jatindra Mohan Sharma, Sr.Adv.
Mr. Ajit Sharma, Adv.
Mr. Sandeep Singh, Adv.
Mr. Nitin Singh, Adv.

Ms. Vandana Sharma, Adv.
Ms. Upasana Nath, Adv.
Ms. Aruna Gupta, Adv.

Ms. Vandana Sharma, Adv.
Ms. Upasana Nath, Adv.
Dr. Kailash Chand, Adv.

Ms. Awantika M., Adv.
Mr. Prashant Kumar, Adv.

Dr. Rajeev Dhavan, Sr.Adv.
Mr. Prashant Kumar, Adv.
Mr. Joseph Pookkat, Adv. for
M/s AP & Chambers, AOR

Mr. Samir Ali Khan, Adv.
Mr. Akshat Goel, Adv.
Mr. Dushayant Tiwari, Adv.

Mr. Pankaj Bhatia, Adv.
Mr. Nipun Goel, Adv.
Mr. Dhruv Surana, Adv.
Mr. Ashish Choudhury, Adv.
Dr. Kailash Chand, Adv.

Mr. D.K. Singh, AAG, UP
Mr. Anuvrat Sharma, Adv.
Mr. Komal Mundhra, Adv.
Mr. Saurabh Agrawal, Adv.
Ms. Alka, Adv.

Mr. Syed Shahid Hussain Rizvi, Adv.
Mr. N.A. Usmani, Adv.

Mr. Akshat Shrivastava, Adv.
Mr. Manjeet Kirpal, Adv.

Mr. Deepak Khurana, Adv.
Mr. Vineet T., Adv.
Mr. Umesh Kumar Khaitan, Adv.

Ms. Rachna Srivastava, Adv.

Mr. Sukrit R. Kapoor, Adv.
Mr. Nitya Madhusoodhanan, Adv.

For Respondent(s)

Ms. Mukti Chowdhary, AOR

Mr. S. K. Dhingra, AOR

Gp. Capt. Karan Singh Bhati, AOR
Mr. Jaideep Singh, Adv.
Mr. Hemendra Sharma, Adv.

Ms. Vanita Bhargava, Adv.
Mr. Ajay Bhargava, Adv.
Mr. A. Banerjee, Adv.for
M/s. Khaitan & Co., AOR

Mr. Manjeet Kirpal, AOR

Mr. Vikas Singh, Sr.Adv.
Mr. S.K. Dhingra, Adv.
Ms. Shefali Mitra, Adv.

Mr. Ajit Kumar Sinha, Sr.Adv.
Mr. T. G. Narayanan Nair, AOR

Mr. M. R. Shamshad, AOR

Mr. Shiv Prakash Pandey, AOR

Mr. Abhishek Chaudhary, AOR

Mr. Kamlendra Mishra, AOR

Mr. Jatinder Kumar Bhatia, AOR

M/s. Ap & J Chambers, AOR

Mr. Vivek Gupta, AOR

Mr. Jitendra Mohan Sharma, AOR

Mr. Gaurav Dhingra, AOR

Mr. Nalin Talwar, Adv.
Mr. Vikram Mehta, Adv.
Mr. Vikas Mehta, AOR

Mr. Gaurav Agarwal, Adv.
Mr. Raj Singh Rana, AOR

Mr. Samarjeet Singh, Adv.for
M/s. M. V. Kini & Associates, AOR

Mr. Garvesh Kabra, AOR

Mr. Rameshwar Prasad Goyal, AOR

Mr. E. C. Agrawala, AOR

Mr. Anil Kumar Jha, AOR

Mr. Sanjay Kumar Tyagi, AOR

Mr. E. C. Vidya Sagar, AOR

Mr. Sharmila Upadhyay, AOR

Mr. Pankaj Bhatia, Adv.
Ms. Bharti Tyagi, AOR

Mr. S. Usha Reddy, AOR

Mr. Siddharth Jain, Adv.

Mr. Adarsh Upadhyay, AOR

Mr. A. N. Arora, AOR

Ms. Abha Jain, AOR

Mr. Aniruddha P. Mayee, AOR

Mr. Mohit Kumar Shah, AOR

Dr. Harshvir Pratap Sharma, Adv.
Mr. Ajay Sharma, Adv.
Mr. K. S. Rana, AOR

Mr. Bharat Sangal, AOR
Ms. S. Spandana Reddy, Adv.

Ms. Pragati Neekhara, AOR

Mr. Anish Kumar Gupta, Adv.
Mr. Chandra Shekhar Suman, Adv.
Mr. R.K. Rajwanshi, Adv.

Mr. Syed Shahid Hussain Rizvi, Adv.

Mr. U.A. Rana, Adv.
Mr. Himanshu Mehta, Adv.
Mr. Avirat Kumar, Adv.
M/s Gagrath And Co, AOR

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

SLP (C) No.7680/2012:

Leave granted.

The appeal is disposed of in terms of the signed order.

In rest of the matters arguments heard in part.

The matters remained part heard.

List on 1st August, 2017.

(USHA RANI BHARDWAJ)
AR CUM PS

(MALA KUMARI SHARMA)
BRANCH OFFICER

Signed order is placed on the file.

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No. 9871 OF 2017

(Arising out of S.L.P. (Civil) No.7680 OF 2012)

Gayatri projects Ltd. & Anr. Thru its .. Appellant(s)
Special Power of Attorney Holder Sh.
E. Prasada Rao

Versus

State of Uttar Pradesh & Ors. .. Respondent(s)

O R D E R

Leave granted.

Heard learned counsel for the parties.

We find from the impugned judgment rendered by the High Court that the High Court has not dealt with various issues which were raised by the appellant herein. Instead, it has dismissed the writ petition of the appellant with the observations that the issues raised in the writ petition filed by the appellant are covered by the judgment in N.T.P.C. Ltd. vs. State of U.P. & Ors. (Writ Tax No.327/2008) as well as other batch matters decided on 11.11.2011. After hearing learned counsel for the parties, we find that some of the issues raised by the appellant were not the subject matter of the judgment in N.T.P.C. Ltd. rendered by the High Court. Our attention has also been drawn to paragraph-11 of the N.T.P.C. case wherein the High Court has recorded the fact that in the writ petition which was filed by M/s Nagarjuna Construction Co. Ltd. two questions have been referred to the larger Bench by order dated 4th March, 2008.

It is argued that in the petition filed by the appellant those questions were also raised. We are not commenting upon as to whether the writ of the appellant should be heard by a larger Bench or not. Suffice it to say that since all the issues raised by the appellant are not covered by the judgment rendered in N.T.P.C. case the impugment warrants to be set aside and the matter needs to be remitted back to the High Court. Ordered accordingly.

The appeal stands disposed of accordingly.

In this case there was an interim order given in favour of the appellant dated 13th March, 2012 staying the demand of recovery of transit fee, this order shall remain in operation for another period of three months. It would be open to the appellant to apply to the High Court for stay of the demand during the pendency of the writ petition and request the High Court to dispose of the writ petition at an early date.

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

.....J.
[ASHOK BHUSHAN]

NEW DELHI,
JULY 27, 2017.