lITEM NO.45 COURT NO.4 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 for Special Leave to Appeal (Civil) No.31709/2011
(From the judgment and order dated 23/09/2011 in WP No.5751/2010 of The HIGH COURT OF DELHI AT N. DELHI)

RITIKA PVT.LTD. & ANR. Petitioner(s)
VERSUS
UNION OF INDIA & ORS. Respondent(s)
(With appln(s) for exemption from filing c/c of the impugned Judgment and with prayer for interim relief and office report)

Date: 16/12/2011 This Petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE D.K. JAIN
HON'BLE MR. JUSTICE ANIL R. DAVE

For Petitioner(s) Mr. Manish Sharma, Adv.
Mr. Anil Nag,Adv.
For Respondent(s)

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

Leave granted.

The appeal will be heard on the SLP Paper Book. Additional documents, if any, may be filed by the parties.

Having heard learned counsel for the appellant on the question of stay with regard to the arrears of service tax due from them prior to 30th September, 2011, we direct as follows:

(i) The appellant shall deposit with the concerned department 50% of the arrears towards the said tax in three equated instalments, on or before 31st December, 2011; 29th February, 2012 and 30th April, 2012;

...2/-

(ii) for the balance 50%, the appellant shall furnish a solvent surety to the satisfaction of the jurisdictional Commissioner;

(iii) the appellant shall also file affidavit in this Court, within four weeks from today undertaking to pay the balance arrears of service tax, stayed in terms of this order, as may be directed by this Court at the time of final disposal of the appeal; and

(iv) the successful party in this appeal shall be entitled to interest on the amount stayed by this Court at such rate as may be directed at the time of final disposal of the appeal.

It is clarified that this interim order shall apply only in case of filing of the requisite affidavit within a period of four weeks from today. We further direct that any default in deposit of any one of the instalments by the dates fixed above, would result in vacation of this stay order and it will be open to the department to recover the balance amount in accordance with law.

...3/-

We further clarify that there is no stay of imposition of service tax under sub-clause (zzzz) of clause (105) of Section 65 read with Section 66 of the Finance Act, 1994 (as amended), insofar as the future liability towards service tax with effect from 1st October, 2011 is concerned.

Tag with Civil Appeal No. 8390 of 2011.

(VINOD LAKHINA)
Court Master

(KUSUM GULATI)
Court Master