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ITEM NO.9

COURT NO.1

SECTION X

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) No.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)

(With appln.(s) for c/delay in filing counter affidavit and
exemption from filing O.T. and impleadment as party respondent and
modification of Court's order and interim relief and office report)
(For final disposal)

WITH

SLP(C) No. 24889/2004

(With Interim Relief)

SLP(C) No. 26273/2004

(With Interim Relief)

SLP(C) No. 23547/2005

(With appln.(s) for c/delay in filing SLP and interim relief)

C.A. No. 2047/2006

(With Interim Relief and Office Report)

SLP(C) No. 24106/2007

(With interim relief)

CONMT.PET.(C) No. 251/2008 In C.A. No. 2797/2008

(With appln.(s) for exemption from filing O.T.)

SLP(C) No. 2294/2008

(With office Report)

C.A. No. 2706/2008

(With appln.(s) for c/delay and direction/modification and
exemption from filing O.T.)

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C.A. No. 2732/2008

(With appln.(s) for exemption from filing O.T. of the additional
documents and Interim Relief and Office Report)

C.A. No. 2733/2008

(With appln.(s) for c/delay and exemption from filing O.T.)

C.A. No. 2734/2008

(With appln.(s) for c/delay and exemption from filing O.T. and
permission to file additional documents)

C.A. No. 2737/2008

(With appln.(s) for c/delay and exemption from filing O.T.)

C.A. No. 2739-2762/2008

(With appln.(s) for c/delay and direction/modification and
directions and exemption from filing O.T. and permission to file
additional documents)

C.A. No. 2797/2008

(With appln.(s) for c/delay and directions and exemption from
filing O.T. and emplacement/intervention and interim directions)

C.A. No. 2819/2008

(With appln.(s) for c/delay and exemption from filing O.T.)

C.A. No. 2820/2008

(With appln.(s) for exemption from filing O.T. of the additional
documents)

C.A. No. 2821/2008

(With appln.(s) for c/delay and exemption from filing O.T.)

C.A. No. 2862-2863/2008

(With appln.(s) for c/delay for exemption from filing O.T.)

C.A. No. 5652/2008

(With interim relief and office report)

SLP(C) No. 6956/2008

(With interim relief and office report)

SLP(C) No. 6958/2008

(With Interim Relief and Office Report)

SLP(C) NO. 6959/2008

(Interim Relief and office report)
SLP(C) No. 8713 of 2008
(With Office Report)

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SLP(C) No. 9093-9094/2008
(With interim relief and office report)
SLP(C) NO. 9523/2008
(Office report)
SLP(C) NO. 10601/2008
(Office report)
SLP(C) No. 17666/2008
(With appln.(s) for c/delay in filing SLP)
SLP(C) No. 20675 of 2008
(With appln. For exem. From filing affidavit and eem. From filing
O.T. and office report)
SLP(C) No. 21844/2008
(With Interim Relief and Office Report)
SLP(C) No. 22322/2008
(With Office Report)
SLP(C) No. 22629/2008
(With appln.(s) for c/delay and c/delay in filing SLP and and
c/delay in refiling SLP and exemption from filing O.T. and Office
Report)
SLP(C) No. 22635/2008
(With appln.(s) for c/delay in filing SLP and Office Report)
SLP(C) No. 24768/2008
(With appln.(s) for c/delay in filing SLP and Office Report)
W.P.(C) No. 203/2009
(With appln.(s) for stay and Office Report)
SLP(C) No. 11846/2009
(With Office Report)
SLP(C) No. 11923/2009
(With appln.(s) for directions and exemption from filing O.T. and
Interim Relief and Office Report)
SLP(C) No. 12318/2009
(With appln. For c/delay in filing SLP and office report)
SLP(C) No. 12530/2009
(With appln.(s) for c/delay in filing SLP and office report)
SLP(C) No. 17217/2009
(With Office Report)

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SLP(C) No. 17572/2009
(With Interim Relief and Office Report)
SLP(C) No. 18760/2009
(With Interim Relief and Office Report)
SLP(C) No. 18843/2009
(With Interim Relief and Office Report)
SLP(C) No. 21930/2009
SLP(C) No. 27771/2009
(With Interim Relief and Office Report)
SLP(C) No. 29725/2009
(With appln.(s) for c/delay in filing SLP and office Report)
SLP(C) No. 31868/2009
(With Interim Relief and Office Report)
SLP(C) No. 15896/2010
(With appln.(s) for c/delay in filing SLP and Office Report)
SLP(C) No. 21868/2010
(With appln.(s) for c/delay in filing SLP and Office Report)
SLP(C) No. 22363/2010
(With Office Report)
SLP(C) No. 33180/2010
(With appln.(s) for c/delay in filing SLP and Office Report)
C.A. No. 1007/2011
(With appln.(s) for interim stay)
C.A. No. 1008/2011
C.A. No. 1010/2011
SLP(C) No. 18094/2011

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

SLP(C) No. 26825/2011

(With appln.(s) for c/delay in filing SLP and c/delay in refiling SLP and exemption from filing O.T. and Office Report)

SLP(C) No. 27487/2011

(With Interim Relief and Office Report)

SLP(C) No. 27511/2011

(With Office Report)

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SLP(C) No. 27840/2011

(With Interim Relief and Office Report)

SLP(C) No. 31530-31532 of 2011

(With interim relief and office report)

SLP(C) No. 32620-32623 of 2011

(With interim releif and office report)

SLP(C) No. 34909-34916/2011

(With appln.(s) for direction/modification and direction and permission to file additional documents and permission to file Volume II and Interim Relief and Office Report)

SLP(C) No. 36272/2011

(With appln. (s) for modification of Court's order and Interim Relief and Office Report)

T.P.(C) No. 18/2012

(With appln.(s) for directions and exemption from filing O.T. and Stay and Office Report)

T.P.(C) No. 44/2012

(With appln. for stay and office Report)

T.P.(C) No. 76/2012

(With appln. for stay and office Report)

T.P.(C) No. 77/2012

(With appln. for stay and office Report)

SLP(C) No. 134-136/2012

(With Interim Relief and Office Report)

SLP(C) No. 146-147/2012

(With Interim Relief and Office Report)

SLP(C) No. 652/2012

(With Interim Relief and Office Report)

SLP(C) No. 738/2012

(With Interim Relief and Office Report)

SLP(C) No. 877-878/2012

(With interim relief and office report)

SLP(C) No. 948/2012

(With Interim Relief and Office Report)

SLP(C) No. 950/2012

(With Interim Relief and Office Report)

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SLP(C) No. 981/2012

(With Interim Relief and Office Report)

SLP(C) No. 1031/2012

(With appln.(s) for permission to file additional documents and Interim Relief and Office Report)

SLP(C) No. 1074/2012

(With Interim Relief and Office Report)

SLP(C) No. 1169/2012

(With Interim Relief and Office Report)

SLP(C) No. 1197/2012

(With Interim Relief and Office Report)

SLP(C) No. 1198/2012

(With Interim Relief and Office Report)

SLP(C) No. 1398/2012

(With Interim Relief and Office Report)

SLP(C) No. 1675/2012

(With appln.(s) for permission to file lengthy list of dates and Interim Relief and Office Report)

SLP(C) No. 1684/2012

(With Interim Relief and Office Report)

SLP(C) No. 1697/2012

(With appln.(s) for direction/modification and modification of court's order and Interim Relief and Office Report)

SLP(C) No. 1822/2012

(With appln.(s) for direction/modification and Interim Relief and Office Report)

SLP(C) No. 1874 of 2012

(With interim relief and office report)

SLP(C) No. 2081/2012

(With Interim Relief and Office Report)

SLP(C) No. 2082/2012

(With Interim Relief and Office Report)

SLP(C) No. 2213-2220 of 2012

(with appln. For permission to file lengthy list of dates and interim relief and office report)

SLP(C) No. 2236/2012

(With Interim Relief and Office Report)

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SLP(C) No. 2399/2012

(With Interim Relief and Office Report)

SLP(C) No. 2433 of 2012

(with interim relief and office report)

SLP(C) No. 21030-21031/2012

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

SLP(C) No. 27326/2012

(With appln.(s) for permission to file additional documents and appln.(s) for exemption from filing c/c of the impugned judgment and appln.(s) for c/delay in filing SLP and Office Report)

SLP(C) No. 30185/2012

(With Interim Relief and Office Report)

SLP(C) No. 30535/2012

(With Office Report)

SLP(C) No. 32029/2012

(With Office Report)

SLP(C) No. 32133/2012

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

SLP(C) No. 37576/2012

(With Office Report)

SLP(C) No. 37683/2012

(With Office Report)

SLP(C) No. 8204-8209/2013

(With Office Report)

SLP(C) No. 11395/2013

(With appln.(s) for exemption from filing O.T. and c/delay in filing SLP and exemption from filing c/c of the impugned judgment and permission to file additional documents and stay and Office Report)

SLP(C) No. 22760/2013

(With appln.(s) for impleadment and exemption from filing c/c of the impugned order and exemption from filing O.T. and c/delay in filing SLP and Office Report)

SLP(C) No. 12657/2014

(With appln.(s) for permission to file lengthy list of dates and exemption from filing c/c of the impugned judgment and exemption from filing O.T. and permission to file additional documents and Interim Relief)

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SLP(C) No. 13683/2014

(With Office Report)

CONMT.PET.(C) No. 199-201/2014 In SLP(C) No. 31530-31532/2011

SLP(C) No. 3457/2016

(With appln.(s) for exemption from filing O.T. and permission to file lengthy list of dates and interim relief and Office Report)

S.L.P.(C)...CC No. 22596/2015

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

SLP(C) No. 2938-2951/2012

(Permission to file lengthy list of dates and interim relief and office report)

SLP(C) No.3152-3164/2012

(Permission to file lengthy list of dates and interim relief and office report)

SLP(C) No. 3189/2012

(Permission to file lengthy list of dates and interim relief and office report)

SLP(C) No. 3192-3199/2012

(Permission to file lengthy list of dates and interim relief and office report)

SLP(C) No. 3320-3338/2012

(Permission to file lengthy list of dates and interim relief and office report)

SLP(C) No. 3490-3499/2012

(Permission to file lengthy list of dates and interim relief and office report)

SLP(C) No.3512-3524/2012

(Permission to file lengthy list of dates and interim relief and office report)

SLP(C) No. 3624-3639/2012

(Permission to file lengthy list of dates and interim relief and office report)

SLP(C) No. 4002-4008/2012

(With Interim Relief and Office Report)

SLP(C) No. 4761/2012

(With Interim Relief and Office Report)

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SLP(C) No. 4832 of 2012

(With interim relief and office report)

SLP(C) No. 4882-4884/2012

(With Interim Relief and Office Report)

SLP(C) No. 5558/2012

(With Interim Relief and Office Report)

SLP(C) No. 5911/2012

(With Interim Relief and Office Report)

SLP(C) No. 5965/2012

(With appln.(s) for permission to file additional documents and Interim Relief and Office Report)

SLP(C) No. 6047-6050/2012

(With Interim Relief and Office Report)

SLP(C) No. 6144/2012

(With appln.(s) for direction/modification and vacating stay and Interim Relief and office report)

SLP(C) No. 6147-6171/2012

(With Interim Relief and Office Report)

SLP(C) No. 6532/2012

(With Interim Relief and Office Report)

SLP(C) No. 6588/2012

(With Interim Relief and Office Report)

SLP(C) No. 6614/2012

(With Interim Relief and Office Report)

SLP(C) No. 6715/2012

(With appln.(s) for modification of Court's order and interim relief and office report)

SLP(C) No. 6807/2012

(With Interim Relief and Office Report)

SLP(C) No. 6822/2012

(With Interim Relief and Office Report)

SLP(C) No. 6937/2012

(With Interim Relief and Office Report)

SLP(C) No. 7199/2012

(With appln.(s) for exemption from filing O.T. and modification of Court's order and permission to file additional documents and

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permission to urge addl. Grounds and interim relief and office report.

SLP(C) No. 7491/2012
(With Interim Relief and Office Report)
SLP(C) No. 7680/2012
(With appln.(s) for permission to file additional documents and permission to file synopsis and list of dates and interim relief and Office Report)
SLP(C) No. 7702/2012
(With Interim Relief and Office Report)
SLP(C) No. 8465-8467/2012
(With appln.(s) for exemption from filing c/c of the impugned judgment and permission to file additional documents and Office Report)
SLP(C) No. 8775/2012
(With appln.(s) for permission to file additional documents and Interim Relief and Office Report)
SLP(C) No. 8991-8995/2012
(With Interim Relief and Office Report)
SLP(C) No. 10499/2012
(With appln.(s) for exemption from filing c/c of the impugned judgment and modification of court's order and Interim Relief and Office Report)
SLP(C) No. 12176/2012
(With appln.(s) for exemption from filing O.T. and office report)
SLP(C) No. 12808-12823/2012
(With Interim Relief and Office Report)
SLP(C) No. 12948/2012
(With Office Report)
SLP(C) No. 12967-12988/2012
(With appln.(s) for permission to file lengthy list of dates and Interim Relief and Office Report)
SLP(C) No. 12989-13001/2012
(With appln.(s) for permission to file lengthy list of dates and Interim Relief and Office Report)
SLP(C) No. 13019-13022/2012
(With appln.(s) for permission to file lengthy list of dates and Interim Relief and Office Report)
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SLP(C) No. 13148/2012
(With Interim Relief and Office Report)
SLP(C) No. 13640/2012
(With Interim Relief and Office Report)
SLP(C) No. 13656/2012
(With appln.(s) for directions and exemption from filing O.T. and Interim Relief and Office Report)
SLP(C) No. 13774 of 2012
(With appln. For exem. From filing c/c of the impugned order and exem. From filing O.T. and modification of court's order and interim relief and office report)
SLP(C) No. 13776-13777/2012
(With appln.(s) for exemption from filing c/c of the impugned order and exemption from filing O.T. and Office Report)
SLP(C) No. 14738/2012
(With appln.(s) for exemption from filing c/c of the impugned judgment and exemption from filing O.T and modification of Court's order. and Office Report)
SLP(C) No. 15401-15402/2012
(With appln.(s) for direction/modification and Office Report)
SLP(C) No. 15405-15416/2012
(With Office Report)
SLP(C) No. 15417-15429/2012
(With Office Report)
SLP(C) No. 15430-15444/2012
(With Office Report)
SLP(C) No. 15445/2012
(With Office Report)
SLP(C) No. 15446-15465/2012
(With Office Report)
SLP(C) No. 15466-15484/2012

(With Office Report)
SLP(C) No. 15485-15500/2012
(With Office Report)
SLP(C) No. 15501-15521/2012
(With Office Report)

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SLP(C) No. 15522-15542/2012
(With Office Report)
SLP(C) No. 15543-15544/2012
(With Office Report)
SLP(C) No. 15545-15546/2012
(With Office Report)
SLP(C) No. 15547-15554/2012
(With appln.(s) for exemption from filing c/c of the impugned judgment and exemption from filing O.T. and office report)
SLP(C) No. 15555-15562/2012
(With appln.(s) for exemption from filing c/c of the impugned judgment and exemption from filing O.T. and office report)
SLP(C) No. 15563-15570/2012
(With appln.(s) for exemption from filing c/c of the impugned judgment and exemption from filing O.T. and permission to file lengthy list of dates and office report)
SLP(C) No. 15571-15582/2012
(With appln.(s) for exemption from filing c/c of the impugned judgment and exemption from filing O.T. and permission to file lengthy list of dates and office report)
SLP(C) No. 15583-15590/2012
(With appln.(s) for exemption from filing c/c of the impugned judgment and exemption from filing O.T. and permission to file lengthy list of dates and office report)
SLP(C) No. 15591-15603/2012
(With appln.(s) for exemption from filing c/c of the impugned judgment and exemption from filing O.T. and permission to file lengthy list of dates and office report)
SLP(C) No. 15604-15610/2012
(With appln.(s) for exemption from filing c/c of the impugned judgment and exemption from filing O.T. and permission to file lengthy list of dates and office report)
SLP(C) No. 15611-15627/2012
(With appln.(s) for exemption from filing c/c of the impugned judgment and exemption from filing O.T. and permission to file lengthy list of dates and office report)
SLP(C) No. 15721/2012
(With Interim Relief and Office Report)
SLP(C) No. 15795-15796/2012
(With Office Report)

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SLP(C) No. 15804/2012
(With appln.(s) for exemption from filing O.T. and Office Report)
SLP(C) No. 16951-16969/2012
(With appln.(s) for exemption from filing c/c of the impugned judgment and exemption from filing O.T. and modification of Court's order office report)
SLP(C) No. 16972/2012
(With appln.(s) for exemption from filing c/c of the impugned judgment and appln.(s) for exemption from filing O.T. and Office Report)
SLP(C) No. 16973/2012
(With appln.(s) for exemption from filing c/c of the impugned judgment and exemption from filing O.T. and Office Report)
SLP(C) No. 16975-16984/2012
(With appln.(s) for exemption from filing c/c of the impugned judgment and exemption from filing O.T. and permission to file lengthy list of dates and Office Report)
SLP(C) No. 16987-16988/2012
(With appln.(s) for exemption from filing c/c of the impugned

judgment and exemption from filing O.T. and Office Report)
SLP(C) No. 16989-17001/2012
(With appln.(s) for exemption from filing c/c of the impugned judgment and exemption from filing O.T. and permission to file lengthy list of dates and Office Report)
SLP(C) No. 17003/2012
(With appln. (s) for exemption from filing O.T. and Office Report)
SLP(C) No. 17004-17015/2012
(With appln.(s) for exemption from filing c/c of the impugned judgment and exemption from filing O.T. and Office Report)
SLP(C) No. 17016-17026/2012
(With appln.(s) for exemption from filing c/c of the impugned judgment and exemption from filing O.T. and Office Report)
SLP(C) No. 19075-19076/2012
(With appln.(s) for exemption from filing c/c of the impugned judgment and exemption from filing O.T. and Office Report)
SLP(C) No. 16970/2012
(C/Delay in filing SLP and exemption from filing C/C of the impugned judgment and exemption from filing O.T. and permission to file additional documents and office report)

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SLP(C) No.23589-23598/2012
(exemption from filing C/C of the impugned judgment and exemption from filing O.T. and permission to file lengthy list of dates and office report)
SLP(C) No.23599-23610/2012
(exemption from filing C/C of the impugned judgment and exemption from filing O.T. and permission to file lengthy list of dates and office report)
SLP(C) No. 23682-23695/2012
(Exemption from filing C/C of the impugned judgment and exemption from filing O.T. and permission to file lengthy list of dates and office report)
SLP(C) No. 24065-24073/2012
(Exemption from filing C/C of the impugned judgment and exemption from filing O.T. and office report)
SLP(C) No. 24075-24094/2012
(Exemption from filing C/C of the impugned judgment and exemption from filing O.T. and office report)
SLP(C) No. 26464-26470/2012
(Appropriate orders/directions and exemption from filing C/C of the impugned judgment and office report)
SLP(C) No.26555-26565/2012
(Exemption from filing C/C of the impugned judgment and exemption from filing O.T. and office report)
SLP(C) No. 26610-26637/2012
(Directions and exemption from filing C/C of the impugned judgment and exemption from filing O.T. and office report)
SLP(C) No. 26639-26658/2012
(Exemption from filing C/C of the impugned judgment and exemption from filing O.T. and office report)
SLP(C) No. 26662-26674/2012
(Exemption from filing C/C of the impugned judgment and exemption from filing O.T. and office report)
SLP(C) No. 27324/2012
(C/Delay in filing SLP and exemption from filing O.T. and office report)
SLP(C) No. 27709-27720/2012
(Exemption from filing C/C of the impugned judgment and exemption from filing O.T. and permission to accept lengthy list of dates and office report)

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SLP(C) No.30398-30533/2012
(Exemption from filing C/C of the impugned judgment and exemption from filing O.T. and office report)
SLP(C) No. 33163-33169/2012
(C/Delay in filing SLP and directions and exemption from filing C/C

of the impugned judgment and exemption from filing O.T. and office report)
SLP(C) No.33170-33174/2012
(C/Delay in filing SLP and exemption from filing C/C of the impugned judgment and exemption from filing O.T. and permission to file lengthy list of dates and office report)
SLP(C) No.34384/2012
(Exemption from filing O.T. and office report)
SLP(C) No. 34773-34775/2012
(Exemption from filing C/C of the impugned judgment)
SLP(C) No.36975-36981/2012
(C/delay in filing SLP and directions and office report)
SLP(C) No.37685-37687/2012
(C/delay in filing SLP and office report)
SLP(C) No.4461/2013
(C/delay in filing SLP and exemption from filing C/C of the impugned judgment and exemption from filing O.T. and permission to file additional documents and office report)
SLP(C) No.4943-4947/2013
(exemption from filing C/C of the impugned judgment and exemption from filing O.T. and permission to file lengthy list of dates and office report)
SLP(C) No.11380-11389/2013
(Appropriate direction and exemption from filing C/C of the impugned judgment and exemption from filing O.T. and office report)
SLP(C) No. 11392/2013
(Exemption from filing O.T. and office report)
SLP(C) No.11917-11933/2013
(C/delay in filing SLP and directions and exemption from filing C/C of the impugned judgment and exemption from filing O.T. and permission to file lengthy list of dates and office report)
SLP(C) No.12577/2013
(C/delay in filing SLP and exemption from filing C/C of the impugned judgment and office report)

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SLP(C) No.12578/2013
(C/delay in filing SLP and deletion of proforma respondents and exemption from filing C/C of the impugned judgment and exemption from filing O.T. and office report)
SLP(C) No.13521/2013
(C/delay in filing SLP and exemption from filing C/C of the impugned order and exemption from filing O.T. and office report)
SLP(C) No.16261-16283/2013
(C/delay in filing SLP and exemption from filing C/C of the impugned judgment and exemption from filing O.T. and permission to file additional documents and office report)
SLP(C) No.16285-16298/2013
(C/delay in filing SLP and exemption from filing C/C of the impugned judgment and exemption from filing O.T. and permission to file lengthy list of dates and office report)
SLP(C) No.16299-16303/2013
(C/delay in filing SLP and exemption from filing C/C of the impugned judgment and exemption from filing O.T. and permission to file lengthy list of dates and office report)
SLP(C) No.16316-16344/2013
(C/delay in filing SLP and exemption from filing C/C of the impugned judgment and exemption from filing O.T. and permission to file lengthy list of dates and office report)
SLP(C) No.18661/2013
(Office report)
SLP(C) No.18664/2013
(Exemption from filing C/C of the impugned order and exemption from filing O.T. and office report)
SLP(C) No.18665/2013
(Exemption from filing C/C of the impugned order and exemption from filing O.T. and office report)
SLP(C) No.22761/2013
(C/delay in filing SLP and exemption from filing C/C of the

impugned order and exemption from filing O.T. and office report)

SLP(C) No.2776-2786/2014

(Office report)

SLP(C) No.2788-2811/2014

(Office report)

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SLP(C) No.2812-2822/2014

(Permission to file lengthy list of dates and office report)

SLP(C) No.12658/2014

(Exemption from filing C/C of the impugned judgment and exemption from filing O.T. and permission to file additional documents and permission to file lengthy list of dates and interim relief)

SLP(C) No.12659/2014

(Exemption from filing C/C of the impugned judgment and exemption from filing O.T. and permission to file additional documents and permission to file lengthy list of dates and interim relief)

SLP(C) No.12661/2014

(Exemption from filing C/C of the impugned judgment and exemption from filing O.T. and permission to file additional documents and permission to file lengthy list of dates and interim relief)

SLP(C) No.13684/2014

(Exemption from filing C/C of the impugned judgment and exemption from filing O.T. and permission to file additional documents and permission to file lengthy list of dates and office report)

SLP(C) No. 34637-34638 of 2014

(With appln. For c/delay in filing SLP and exem. From filing O.TY. And permission to file lengthy list of dates and interim relief and office report)

SLP(C) No.35680/2015

(C/delay in filing SLP and exemption from filing O.T. and permission to file lengthy list of dates and interim relief)

SLP(C) No.35682/2015

(C/delay in filing SLP and exemption from filing O.T. and permission to file lengthy list of dates and interim relief)

SLP(C) No.35673/2015

(C/delay in filing SLP and exemption from filing O.T. and permission to file lengthy list of dates and interim relief)

Date: 26/04/2016 These petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

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HON'BLE MR. JUSTICE UDAY UMESH LALIT

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

In State of U.P. and Others Versus Sitapur Packing Wood Suppliers and Others reported in (2002) 4 SCC 566, validity of levy of transit fee under Rule 5 of the UP Transit of Timber and Other Forest Produce Rules, 1978 (For short "the Rules") was in question. In the judgment under appeal therein, the High Court had held said Rule 5 to be constitutionally valid but levy of transit fee was invalidated in the absence of quid pro quo. Allowing the appeals, this Court found the transit fee under Rule 5 to be clearly regulatory and held that it was not necessary for the State to establish quid pro quo.

In the present matters coming from State of U.P., amendments to very same Rule 5 are in question. By third amendment, the rate was revised to Rs.38 per cubic meter capacity per lorry. By fourth amendment, the rate was further revised to Rs.200 per cubic meter capacity per lorry while the fifth amendment seeks to revise the rate to 15% ad valorem, on the value of the forest produce for transportation.

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The High Court has held the third amendment to Rule 5 to be valid but invalidated fourth and fifth amendment.

In these matters, following interim directions were passed by this Court on 29.10.2013.

â- S 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 3 rd amendment to

the Rules mentioned in the earlier part of this order.

2) Any such recovery 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 2 nd batch of cases arising out of Writ Petition No.975 of 2004 whereby the High Court has struck down the 4 th

and 5 th amendment to the Rules, the State shall be free to make recoveries in terms of the 3 rd amendment in regard to the forest produce removed from within the State of U.P. The operation of the orders passed by the High Court shall to that extent remain stayed.

6) This modification shall not apply to exempted goods or industrial by products like Klinker and fly ash.â- \235

In matters from State of Uttranchal, namely SLP(C) No.19445 of 2004 (State of Uttaranchal & Ors. Etc . vs. Kumaon Stone Crusher etc.) and other connected matters, following directions were passed by this Court on 12.11.2013:

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â- S The operation of the impugned judgment(s) passed by the High Court shall remain stayed in these matters subject to the following conditions:

(I) Recoveries, if any, made from writ petitioners-respondents herein shall be subject to the ultimate outcome of these matters.

(II) In the event of the appeals, filed by the State against the impugned orders passed by the High Court, being dismissed, the amount recovered from the writ petitioners (respondents herein) towards transit fees shall be refunded to them with interest at the rate of 9% per annum from the date the recovery is made till the date of actual refund.

(III) The rate at which the recovery may be made by the State shall be those stipulated under the notifications issued on the subject as modified by any interim or final order passed by the High Court

of Uttaranchal in any pending writ petition.

Pleadings, if not already completed, shall be completed within six weeks.

Post these matters for hearing in the month of February, 2014 along with the connected matters arising from the State of U.P. including SLP(C) BI, 11367 of 2007, etc.

These matters were thereafter heard in part on 19.2.2015 but could not be heard thereafter. On 10.2.2016, the matters were directed to be posted on 26.4.2016 for final hearing. However, considering the number of matters, there does not seem to be immediate prospect of final hearing in the matters.

We, therefore, heard learned counsel for the State as well as for private parties to consider, if interim directions passed earlier could suitably be modified keeping in mind public interest involved in the matters.

Rule 5 of the Rules seeks to impose transit fee on the forest produce. Forest produce as defined in Section 2(4) of the

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Indian Forest Act, 1927 has two elements. The matters covered under sub-clause (a) of Section 2(4) are Forest Produce regardless whether found in, or brought from a forest or not, whereas under sub-Clause (b) those enumerated therein when found in or brought from a forest are stated to be forest produce. In the circumstances, we deem it appropriate to pass following interim directions in modification of those passed earlier:

(1) Insofar as forest produce as defined in sub-clause(a) of Clause(4) of Section 2 is concerned, the State shall be free to recover transit fee within the State of U.P. at the rate stipulated in the fifth amendment to Rule 5 as aforesaid;

(2) Insofar as forest produce originating from State of U.P. and covered by sub-clause (b) of Clause (4) of Section 3 is concerned, the State shall be free to recover transit fee at the rate stipulated in the fifth amendment to the aforesaid Rule 5.

(3) Insofar as forest produce covered under sub-clause(b) of Clause(4) of Section 2, which does not originate from State of U.P. but is merely passing through the State, the State shall be free to recover transit fee in respect of such forest produce at the rate stipulated in the fourth amendment to aforesaid Rule 5.

(4) Any such recovery shall remain subject to the ultimate outcome of present petitions pending in this Court.

(5) In the event of writ petitioners/private parties succeeding in their cases, the amount deposited/recovered

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from them shall be refunded to them with interest @ 9% per annum from the date of deposit till actual refund.

(6) The State shall maintain accurate amount of recovery made and the nature/quantity of the produce removed by the private party is concerned.

(7) These modified directions shall come into effect on and from 1st May 2016.

(8) This modification shall not apply to exempted goods or industrial by-products like Klinker fly ash.

The directions issued on 12.11.2013 in respect of matters from State of Uttaranchal, remain unchanged.

Let these matters be listed for final disposal in the third week of September 2016.

(Shashi Sareen)

(Veena Khara)

AR-cum-PS Court Master