

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

PETITION FOR SPECIAL LEAVE TO APPEAL (C) NOS. 13683 AND 13684 OF 2014
WITH
PRAYER FOR INTERIM RELIEF

State of U.P & Ors.

...Petitioners

-VERSUS-

M/s. Muskan Traders

...Respondent

OFFICE REPORT

The matters above-mentioned were listed before the Hon'ble Court on 7th May, 2014, when the Court was pleased to pass the following order:-

**“Delay condoned.
Issue notice.**

Interim order, as already granted by this Court in SLP (C) No. 11367/2007 on 29.10.2013 shall apply in the instant case, which is extracted below:-

“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 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 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 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.”

Tag with SLP (C) No. 11367/2007.”

Accordingly, show cause notice was issued to sole respondent in both the matters through registered A.D. Post on 5th June, 2014. A.D. Card duly signed in SLP © No. 13683 of 2014 has been received back but no Vakalatnama/Appearance on behalf of the sole respondent has been filed in the matter.

It is further submitted that neither A.D. Card nor unserved cover containing the said notice has been received back from the sole respondent in SLP © No. 13684 of 2014. Hence service is incomplete.

The matters are listed before the Hon'ble Court with this office report.

Dated this the 16th day of September, 2014.

ASSISTANT REGISTRAR

Copy to:
Mr. Abhishek Chaudhary, Advocate
(Standing counsel for the State of U.P)
12, Old Lawyer's Chamber.

ASSISTANT REGISTRAR

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