instalments, on or before 1st December, 2011; 1st

SUPREME COURT O F INDIA RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).29402/2011

(From the judgement and order(s) dated 23/09/2011 in No.5074/2010 of The HIGH COURT OF DELHI AT N. DELHI)

M/S FLEMINGO JEWELLERY INDIA P.LTD.

Petitioner(s)

WP

VERSUS

UNION OF INDIA & ANR

Respondent(s)

(With appln(s) for exemption from filing c/c of the impugned Judgment and prayer for interim relief and office report)

Date: 11/11/2011 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. Arunabh Choudhury, Adv.

> Mr. Anupam Lal Das, Adv. Raktim Gogoi, Adv. Mr. Mr. Vaibhav Tomar, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following ORDER

Leave granted.

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

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

..2/-

: 2:

deposit (i)The appellant shall with the concerned department 50% of the arrears towards the said tax within six months in three equated

(iii) the appellant shall also file

fu

www.ecourtsindia.

courtsindia.com

india.com

www.ecourtsin

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

this Court, within four weeks from today undertaking to pay the balance arrears of service tax, stayed in terms of this order, as be directed by this Court at the time of final disposal of the appeal; and

(iv) the successful party in these 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.

T.t. is clarified that this interim order shall apply only in case of filing of the requisite affidavit within a period of four weeks We further direct that any default in from today. deposit of any one of the instalments by the dates fixed above, would result in vacation of this stay

..3/-

affidavit in

: 3:

order and it will be open to the department to recover the balance amount in accordance with law.

We 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.

[Charanjeet Kaur] [Kusum Gulati] Court Master Court Master