

ITEM NO.61

COURT NO.6

SECTION XI

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 (Civil) No(s).29925/2011

(From the judgement and order dated 14/10/2011 in WT No. 644/2005
of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

M/S UNITED SPIRITS LTD.

Petitioner(s)

VERSUS

STATE OF U.P.& ORS.

Respondent(s)

(With appln(s) for exemption from filing c/c of the impugned
Judgment and exemption from filing O.T. and permission to file
additional documents and with prayer for interim relief)

Date: 21/11/2011 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA

For Petitioner(s) Mr.Rakesh Dwivedi, Sr.Adv.
 Mr.S.Ganesh, Sr.Adv.
 Mr. Niraj Gupta,Adv.

For Respondent(s) Mr.Ravi P.Mehrotra, Adv.
 Mr.Vibhu Tiwari, Adv.
 Mr.Vijay Pratap Singh, Adv.

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

Leave granted.

We have heard learned counsel for the parties on the
appellant's prayer for interim relief i.e. stay of the impugned
judgment and the demand created by the respondents in lieu of the
bottling wastage for the period 2001-2002, 2002-2003. We have also
gone through the judgment of this Court in State of U.P. and others
vs. M/s Mohan Meakins Breweries Ltd. and another (2011) 11 Scale

2

44.

By the impugned order, the High Court has, after
threadbare consideration of the issues raised in the writ petition
negatived the appellant's challenge to the disputed demand. Leave
has been granted because we feel that the matter would require
detail consideration. However, there is no valid ground or
justification for entertaining the appellant's prayer for interim

relief which, if accepted, would result in frustrating the recovery of public revenue. Hence, the prayer for interim relief is rejected. However, it is made clear that the payments made by the appellant shall remain subject to final adjudication of the appeal.

(Satish K.Yadav)
Court Master

(Phoolan Wati Arora)
Court Master