

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).8959/2007

(From the judgement and order dated 03/05/2007 in WP No. 14698/2006 of The  
HIGH COURT OF M.P AT JABALPUR)

BHARATI AIRTEL LIMITED

Petitioner(s)

VERSUS

STATE OF M.P.& ORS.

Respondent(s)

(With prayer for interim relief )

(With IA.No.1-appln. for permission to file addl. documents)

WITH

SLP(C) 9427/2007

(With appln. for exem. from filing c/c of the impugned jt. and OT and with prayer for  
interim relief and office report)

Date: 18/05/2007 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.H. KAPADIA

HON'BLE MR. JUSTICE B. SUDERSHAN REDDY

For Petitioner(s)

Mr. V.Lakshmi Kumaran,Adv.

in SLP 8959/07

Mr. Alok Yadav,Adv.

Mr. M.P.Devanath,Adv.

In SLP 9427/07

Mr. R.F.Nariman,Sr.Adv.

Mr. Nikhil Nayyar,Adv.

Mr. Ankit Singhal, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following

O R D E R

Issue notice, both on special leave  
petitions as well as on prayer for interim relief.

Dasti service is also allowed.

Normally, this Court does not grant ad interim  
relief in matters relating to the taxation. However, in this  
case we are required to stay recovery of tax by an  
interim order since the High Court has failed to consider  
the judgment

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of the Constitution Bench of this Court in the case of  
Jindal Stainless Limited (2) vs. State of Haryana (2006 (7)  
SCC 241). Therefore, the above notice is limited to the  
question as to why the High Court should not be directed  
to rehear the matter and consider the validity of the Act in  
the light of the judgment of this Court in Jindal Stainless  
Limited (supra).

Liberty is given to the State to move this Court

in

vacation, if so advised, for vacating the present ad interim  
order, in view of the above stated circumstances.

[SUMAN WADHWA]

COURT MASTER

[MADHU SAXENA]

COURT MASTER