

(2011) 08 MP CK 0083
In the Madhya Pradesh High Court
Case No : Writ Petition No. 14011/11

Desai Brothers Ltd.

APPELLANT

Vs

State of M.P. and Others

RESPONDENT

Date of Decision : 24-08-2011

Acts Referred:

Citation : (2011) 08 MP CK 0083

Hon'ble Judges : Vimla Jain, J;K.K. Lahoti, J

Bench : Division Bench

Judgement

Krishn Kumar Lahoti, J.—It is submitted by the Petitioner that identical matters have been entertained by this Court and interim order has been issued. It is further submitted by Shri Mishra that before the Apex Court, the matter is fixed for hearing on 2.9.2011 and this matter may be heard immediately thereafter.

2. It is further submitted by Petitioner that identical matter was decided by a Division Bench of this Court in M/s Zunaid Enterprises and Ors. v. State of M.P. and Ors. in W.P. No. 16775/2007 on 15.7.2010 and the writ petition was dismissed, after considering the judgment of Apex Court in State of Orissa and Another Vs. K.B. Saha and Sons Industries Pvt. Ltd. and Others etc., . Against the said order, Petitioner and Ors. have filed SLP before the Apex Court, which has been registered as SLP (Civil) No. 25637/2010, in which the Apex Court has issued notice to the other side on 20.9.2010 and interim order has been passed. It is submitted that this petition may be entertained and interim order may be passed in the matter.

3. Shri Agrawal, learned G.A. appearing for State opposed the aforesaid contention and submitted that the entire controversy is covered by a Division Bench judgment of this Court in M/s Zunaid Enterprises (supra), so this petition may not be entertained.

4. Considering the fact that the Apex Court has entertained the petition, notices have been issued and interim order has been passed by the Apex Court, so we

find it appropriate to entertain this writ petition, awaiting verdict from the Apex Court.

5. The Apex Court by order dated 20.9.2010 in SLP (Civil) No. 25637/2010 directed thus:

Issue notice. Counsel appearing for the Petitioners states that he had deposited 25% of the amount demanded and also furnished bank guarantee in terms of the order of the Division Bench of the Madhya Pradesh High Court. He shall keep the bank guarantee alive till the decision of this Court. No. further coercive action shall be taken against Petitioners in respect of the amount involved in the present case till the next date.

6. In view of aforesaid order, till next date of hearing, we direct thus:

7. Petitioner to deposit 25% of the amount demanded by the Respondents.

8. Petitioner to further furnish bank guarantee of the remaining amount to the satisfaction of the authority and shall keep alive the bank guarantee till further orders of this Court.

9. Both the parties are directed to mention this case as and when the order dated 20.9.2010 is modified by the Apex Court or the S.L.P., is decided by the Apex Court.

10. In the meantime, Respondents may file reply of this matter.

11. Two extra copies of the petition may be served to Shri Agrawal, learned G.A.

12. Be listed for hearing along with W.P. No. 14183/10 on 13.9.2011. C.C. as per rules.