(1997) 11 SC CK 0078

In the Supreme Court Of India

Case No : Civil Appeal No. 8414 of 1997 Arising out of SLP (C) No. 14930 of 1997

K.C.P. Ltd. and Others APPELLANT

Vs

State of M.P. and Others RESPONDENT

Date of Decision : 28-11-1997

Acts Referred:

Citation : (1998) 8 JT 25 : (1998) 9 SCC 379

Hon'ble Judges : S. B. Majmudar, J;K. Venkataswami, J

Bench : Division Bench

Final Decision : Disposed Of

Judgement

1. Leave granted. We have heard Shri K. Parasaran, learned Senior Counsel for the appellants and Shri K.N. Shukla, learned Senior Counsel for the contesting respondents-State authorities.

2. Looking to the contention of the appellants that the State of Tamil Nadu has already recovered Central sales tax for the same transaction from them and therefore they are not liable to pay the State sales tax to State of M.P. for the same transaction and therefore, the assessment made by the authorities of the State of M.P. would be liable to be set aside, we find that as the appellants themselves have gone in appeal before the Appellate Commissioner of Sales Tax, till that appeal is decided it is just and proper to order that there shall be stay of collection of the M.P. State sales tax from the appellants provided the appellants satisfy the authorities concerned of the State of M.P. that in respect of the same transaction it had paid the Central sales tax in the State of Tamil Nadu. There will be stay of penalty also in the meantime.

3. It is obvious that if the appeal before the Appellate Commissioner gets decided against the appellants and if the appellants have to file a further appeal before the Board of Revenue, they will have to join all necessary parties for thrashing out this problem before the Board which will adjudicate the dispute between the

two States, namely, State of M.P. on the one hand and the State of Tamil Nadu on the other hand and under these circumstances, the procedure laid down by this Court in its decision reported in Ashok Leyland Ltd. v. Union of India, will have to be followed. If such an appeal gets filed before the Board of Revenue and all necessary parties are joined, then the present order of stay will continue on the same terms and conditions till that appeal also is decided by the Board of Revenue after hearing all the parties concerned.

4. As rightly suggested by learned Senior Counsel for the respondent authorities the appellate authority is directed to dispose of the pending appeal as expeditiously as possible and preferably within a period of three months from today.

5. The appeal is disposed of accordingly. No costs.

