

(2012) 09 UK CK 0056

In the Uttarakhand High Court

Case No : Writ Petition No. (M/s) 1838 of 2012

M/s Balaji Action Buildwell and Another

APPELLANT

Vs

State of Uttarakhand and Others

RESPONDENT

Date of Decision : 05-09-2012

Acts Referred:

Citation : (2012) 09 UK CK 0056

Hon'ble Judges : Sudhanshu Dhulia, J

Bench : Single Bench

Advocate : Vipul Sharma, for the Appellant; Paresh Tripathi, Additional Chief Standing Counsel for the State of Uttarakhand, for the Respondent

Final Decision : Dismissed

Judgement

Hon'ble Sudhanshu Dhulia, J.—The petitioners by means of the present writ petition have challenged, inter alia, the quantum of fee known as transit fee from the petitioners. According to the petitioners, this transit fee has been increased from Rs. 5 to Rs. 50 which is exorbitant. A learned Single Judge of this Court in a similar writ petition though filed by another petitioner vide its order dated 7.8.2012 passed in Century Pulp & paper & others has partly stayed the said fee with certain directions. This Court deems fit and proper that the same interim order as passed in earlier petitions be passed in this case as well. Therefore, following interim order is being passed :-

The petitioner will pay a sum of Rs. 15/- per tonne per lorry as transit fee, during the pendency of the writ petition, for the forest produce brought inside the State of Uttarakhand. For the balance amount, the petitioners including their agents and transporters will give an undertaking before the Forest Department to the effect, that in the event, the writ petition is dismissed, they would be liable to pay the balance amount within three months from the date of judgment. On the other hand, the Court directs the Forest Department to issue the transit pass on the basis of the aforesaid and, will also keep a record of the movement of the forest produce, namely, the details of the forest produce, the quantity, the value,

the name of the consigner and consignee, place of origin, destination, vehicles numbers, etc. Such record will be maintained by the Forest Department and will be countersigned by the petitioners at the time of the issuance of the transit fee.

Connect this writ petition with Writ Petition No. 1420 of 2012 (MS) and 1421 of 2012 (M/S).

2. Counter affidavit to be filed within three weeks. List this matter immediately after three weeks in the daily cause list.