

ITEM NO.13

COURT NO.7

SECTION XII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 3350/2020

(Arising out of impugned final judgment and order dated 05-12-2019 in WA No. 4063/2019 passed by the High Court Of Judicature At Madras)

GESTAMP AUTOMOTIVE CHENNAI PRIVATE LIMITED

Petitioner(s)

VERSUS

THE ASSISTANT COMMISSIONER (ST) & ANR.

Respondent(s)

(IA No. 11463/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

WITH

SLP(C) No. 3568/2020 (XII)

IA No. 15428/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

SLP(C) No. 3351/2020 (XII)

IA No. 12917/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 10-02-2020 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR

HON'BLE MR. JUSTICE DINESH MAHESHWARI

For Petitioner(s)

Mr. Arvind P. Datar, Sr. Adv.

Mr. Murali, Adv.

Mr. B. Karunakaran, Adv.

Mr. T. Balaji, Adv.

Mr. S. Gowthaman, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following

O R D E R

The grievance of the petitioner is essentially about absurd demand raised by the Department which is founded on an erroneous

assumption and not hard facts much less objective consideration. This was the specific plea taken in the Writ Petition, in paragraph 4.

It is further urged that being prima facie satisfied about this grievance, the Division Bench entertained the appeal and passed conditional order directing the petitioner to deposit 10 per cent of the demanded amount. However, the Division Bench though finally disposed of the appeal, but made no reference to the grievance of the petitioner about the absurd demand made by the Department and has dismissed the Petition merely on the ground that efficacious and alternative remedy is available to the petitioner.

We find from the impugned judgment that such contention has not been adverted to nor the Division Bench, while disposing of the matter took note of the earlier direction noted in the conditional order while issuing notice on the Writ Appeal.

In view of the above, we deem it appropriate to grant liberty to the petitioner to approach the High Court by way of Review Petition, if so advised.

If the Review Petition is decided against the petitioner, it will be open to the petitioner to assail the said decision as well as the impugned judgment by way of Special Leave Petition before this Court.

The Special Leave Petitions are disposed of accordingly with the aforesaid liberty.

Pending applications, if any, stand disposed of.

(DEEPAK SINGH)
COURT MASTER (SH)

(VIDYA NEGI)
COURT MASTER (NSH)

