

Shree Digvijay Cement Co. Ltd.

Vs

State of Rajasthan and Others

WPs (C) No. 366 of 1997 with Nos. 674, 604, 605 of 1997, 134, 312-315, 428, 429 and 552 of 1998

(S. P. Bharucha, V. N. Khare JJ)

26.11.1998

ORDER

1. The notification that is under challenge was issued by the State of Rajasthan in exercise of power under Section 8(5) of the Central Sales Tax Act, 1956. It is substantially similar to three earlier notifications issued by the State of Rajasthan in exercise of the same power. These three notifications were the subject-matter of civil appeals in this Court and were struck down by a Bench of three learned Judges in Shri Digvijay Cement Co. v. State of Rajasthan ((1997) 5 SCC 406). The Court accepted the submissions on behalf of the appellants that these notifications had not been issued in public interest and that they were violative of Articles 301 and 303 of the Constitution.

2. The notification under challenge before us is attacked on the same grounds. Whatever may be said in regard to the first contention, having regard to the reasons for the issuance thereof now placed on an affidavit by the State of Rajasthan, the said judgment would, prima facie, appear to be binding insofar as it upholds the second contention. We have heard counsel and are of the view that the said judgment requires to be considered by a larger Bench, particularly in regard to the second contention. We, therefore, direct that the papers and proceedings in these matters be placed before the Hon'ble the Chief Justice of India for appropriate directions.

Court Masters