

SUPREME COURT OF INDIA

VST Industries Limited

Vs.

State of Uttar Pradesh

C.A.No.3256 of 2019

(Ashok Bhushan and K.M.Joseph,JJ.,)

22.04.2019

JUDGMENT

Ashok Bhushan,J.,

SLP(C)No.26913 of 2018

1. This appeal has been filed against the Division Bench order of the Allahabad High Court dated 11.07.2018 by which order the High Court directed: -

"...Subject to deposit of 50% of the interest so demanded by way of recovery dated 26.06.2018 within the next one week, no coercive measure may be taken against the Petitioner till 18th July, 2018. List this matter on 18th July, 2018 along with Writ-Tax No.757 of 2018." order impugned under this appeal is only an order. In above interim order, High Court directed the writ petition to be listed along with Writ-Tax No. 757 of 2018. The Division Bench of the High Court has decided the Writ-Tax No. 757 of 2018 vide its judgment dated 22.11.2018 against which judgment, Civil Appeal Nos.3257-3268 of 2019, Indian Oil Corporation Limited vs. State of U.P. and others, have been filed, which have been decided by us by order of the date.

3. Learned counsel for the appellant submits that after interim order dated 11.07.2018 passed in the writ petition of the appellant, about 33 percent of amount of interest has already been realised from the appellant. In our Order of the date passed in Civil Appeal Nos.3257-3268 of 2019, Indian Oil Corporation Limited versus State of U.P. & Others, we have decided issues pertaining to liability of interest under U.P. Act 2007. Writ petition in which impugned interim order dated 11.07.2018 is still pending in the High Court. We are of the view that writ petition of the appellant pending in the High Court need to be finally decided.

4. In result, this appeal is disposed of providing that no further recovery be affected against the appellant towards the demand of interest on arrears of Entry Tax and recovery, if any, of the interest from the appellant shall be subject to the final outcome of the Writ-

Tax No. 961 of 2018 filed by the appellant.

5. The appeal is disposed of accordingly.