

PETITIONER:
CENTRAL COALFIELDS

Vs.

RESPONDENT:
H.M.P.

DATE OF JUDGMENT 05/05/1993

BENCH:
PUNCHHI, M.M.
BENCH:
PUNCHHI, M.M.
YOGESHWAR DAYAL (J)

CITATION:
1994 SCC Supl. (1) 323

ACT:

HEADNOTE:

JUDGMENT:

ORDER

1. The prayer for transferring the petitions pending in the High Courts to this Court is made in these transfer petitions on the ground that the points for determination there are the same as in Writ Petition No. 787 of 1992 pending in this Court. In our opinion it is not necessary to transfer the pending matters from the different High Courts to this Court for this reason alone. Writ petition No. 787 of 1992 and the connected writ petitions involving the same points are pending in this Court and an interim order has been made in Writ Petition No. 787 of 1992 as under:

"Stay granted earlier against recovery of the dues in respect of the impugned case on minerals as well as its collection hereafter, shall continue until further orders. However, the concerned authorities shall keep accounts for which purpose the petitioner would fully cooperate with them, of the amount of case which would be payable in case the writ petition is dismissed. The petitioners shall also furnish written undertaking in this Court to pay the total amount of cess due from them in case the petition is dismissed, within the period of one month from the date of the decision of the writ petition. The written undertaking be filed within four weeks from today. Subject to these conditions, the stay is to continue, and the State Governments shall not recover the impugned cess on minerals in the meantime. Similarly the petitioners would not be entitled, in the meantime, to claim any refund of the amount of cess already paid by them".

2. It is open to the petitioners to apply in the High Courts in the writ petitions pending there, for an interim

order in similar terms as has been made by Hon'ble Mr Justice J.S. Verma and Hon'ble Mr Justice G.N. Ray in W.P. (C) No. 787 of 1992 on April 30, 1993. Apart from making the necessary interim orders or modification of the earlier interim order for this purpose, in these writ petitions pending in the High Court, it would be appropriate that further hearing of the writ petitions in the High Courts remains stayed until the decision of Writ Petition No. 787 of 1992 and the connected writ petitions by this Court.

3. With these observations these transfer petitions are disposed of, for the aforesaid reasons.

Court Masters

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