

ANNEXURE-A

CASES PENDING IN SUPREME COURT OF INDIA

(As on 31.10.2011)

Rs. In lakhs

Sl. No.	Name of the party	Case No.	Amt. involved	Brief facts	H.C. Order and Present status
1.	2.	3.	4.	5. SLP filed against H.C.'s Order dt.30.6.06 in W.A. No.223/03. Pending hearing as on 23.04.11.	6.
1.	UOI Vs. M/s. Dharampal Satyapal Ltd. And Ors.	SLP No. 4131-4134/2003	1864.79	Challenging the withdrawal of exemption granted to tobacco & tobacco products on the ground of promissory extoppels.	SLP filed against H.C.'s Order dt. 3.12.02 of Ghy. High Court in W.A. No. 219-222 of 2002. Pending hearing as on 23.4.11.
2.	UOI Vs. Meghalaya Steel & Concrete Products (L)	SLP No. 3681/2007	17.27	Recovery of CE duty with int. during the period from 14.7.99 to 29.3.2000	SLP filed against H.C.'s Order dt. 30.6.06 in W.A. No.227/03. Pending hearing as on 23.4.11.
3.	M/s. Ganapati Rolling Mills (P Ltd. Vs. UOI	SLP No.4673/2007	No amt. invd.	Eligibility of exemption from the date of announcement of N.E. Exemption by the Govt.	SLP filed against H.C.'s Order dt.30.6.06 in W.A. No.208/03. Pending hearing as on 23.04.11.
4.	M/s. Pawan Ispat (Meghalaya) (P) Ltd. Vs. UOI	SLP No.4668/2007	-do-	Eligibility of exemption from the date of announcement of N.E. Exemption by the Govt.	SLP filed against H.C.'s Order dt.30.6.06 in W.A. No.216/03. Pending hearing as on 23.04.11.
5.	M/s. Satyam Steels & Alloys (P) Ltd. Vs. UOI	SLP No.4670/2007	-do-	Eligibility of exemption from the date of announcement of N.E. Exemption by the Govt.	SLP filed against H.C.'s Order dt.30.6.06 in W.A. No.223/03. Pending hearing as on 23.04.11.
6.	M/s. Shree Sai Megha Alloys (P) Ltd. Vs. UOI	SLP No. 4667/2007	-do-	Eligibility of exemption from the date of announcement of N.E. Exemption by the Govt.	SLP filed against H.C.'s Order dt.30.6.06 in W.A. No.224/03. Pending hearing as on 23.04.11.
7.	M/s. Meghalaya Plywood Vs. UOI	SLP No. 3096/2008	2.06	Under Rule 57G of CE Rules,1944 as amended by Noftn. No. 28/95-CE(NT) Order dated-7.2.07 under C.E. Ref. Case No.1/03 of HC is against the Order.	SLP filed against H.C.'s Order dt.7.2.07, Gauhati High Court letter dated-13.08.09, records of the case was submitted to the Supreme Court.
8.	M/s. Bele Herbels (P) Ltd. Vs. UOI	SLP No.32110/09	NA	Challenging Section 153/03 of Finance Act,2003,	Counter Affidavit sent on 15.6.10 to the Addl. Govt. Advocate for filing beore Hon'ble Supreme Court.
9.	UOI Vs. M/s. Shri Sai Smelters	SLP No. 2762/09	NA	Against the GAuhati High Court Shillong Bench Order dt. 3.3.09 in Review petition No. 1(SH)08 to 4 (SH)08 filed by the deptt.	Proposed for filing SLP before the Hon'ble Supreme Court on 28.10.09. Not yet listed for hearing.
10.	M/s. Jellalapore T.E. Vs. UOI	SLP No-----	16.10	Demand of Refund paid erroneously to the party on the basis of fabricated documents.	The SLP is yet to be admitted.

PENDENCY OF CASES IN VARIOUS HIGH COURTS (AS ON 31.10.2011)

(Rs. in lakhs)

S L. N o.	NAME OF THE PARTY	CASE NO	AMT. INVOLVED	BRIEF FACTS	NAME OF H.C. AND PRESENT STATUS
1.	M/s Woodcraft Products Ltd., Diphu Vs. UOI	R.A. No. 3577/97 (In C.R. No. 1740/99)	6.03	The implication of Sec. 11A of CEA was not considered. However, in the instant case the legal point to be decided is whether Sec. 11A of the Act is a complete code for recovery of duty.	The Court's Computer reflects the case as disposed off on 02.11.2000. Applied for certified copy.
2.	U.O.I Vs. M/s Woodcraft Products Ltd., Diphu	C.Ex. R.A. No. 65/97	1.53	Reference application No. 65/97 was filed before the H'ble Gauhati High Court against the order dated of CESTAT Kolkata in reference application No. 45/96 in appeal No. 3944/87	Hearing stage. The Counsel has been requested to take necessary action for early listing hearing.
3.	K.D. Industries Vs. Commr. C.EX. & Ors.	W.P.© No. 82/2004	1.20	The party availed Modvat credit on ineligible documents. AC Silchar confirmed the demand. Being aggrieved, party filed appeal before Comm. Appeal Arising out of Commr. (Appeals), Guwahati's order dt. 22.10.2003, where the appeal was dismissed on limitation. Being aggrieved, party filed WP before the High Court.	Proposal had already been sent to the AC Agartala to file Misc case for early disposal of the case.
4.	M/s Bogidhola Tea Estate (M/s Raj Assam Agro (P) Ltd.) Vs. UOI & Ors.	W.A.© No. 142/05	17.76	The Hon'ble Guwahati High Court has intervened and stayed the detention order dated 7.12.04 of 28,274 Kgs of tea which was detained for recovery of outstanding dues from M/s Bogidhola Tea & Trading Co. (P) Ltd	Final hearing stage. [Listed in the Part II Cause list w.e.f. 03.01.2011 to 04.03.2011] Superintendent Law Guwahati requested to inform latest position of the case
5.	M/s Rungamattee Tea & Industries Vs. UOI	W.P. © No. 412/2005	N.S.	Challenging the validity and legality of Sec. 157 of the Finance Act, 2003 levying Additional Duty of Excise and demand arising out of it.	Vide this office letter dated-10.082011, the Supdt. Gauhati informed that the case is likely to be listed for hearing after the Bihu vacation as communicated by the Sr. Standing Counsel dealing the case. But case has not been listed. Counsel was requested to inform the present position and to expedite the matter.
06	Bhatter (Assam) Plantation & Spinning Mills Ltd. Vs. UOI	W.P © No. 2515 / 2005	34.20	A.C., Nagaon rejected the claim for exemption under Notfn.. 32/99 CE dated 8.7.99 on the ground that the factory was in existence prior to 24.12.97 and 25% increase in installed capacity was not done. The assessee filed appeal before the Commr. (Appeal), Guwahati who set aside the order of the ACCE, Nagaon The dept. filed appeal to the CESTAT,	The case was last listed for hearing in Part-II Cause List for the period from 18.07.11 to 19.08.11. But as per current Part-II Cause List the case has not been listed for hearing. Vide letter dated- 26.8.11 the Counsel has been requested to take all possible steps for early hearing and disposal of the case.

				<p>Kolkata (Circuit Bench, Shillong), who vide their order dated 20.1.05 under order No. M-26/A-81/KOL/2005, set aside the Order of the Commr. (Appeal) and remanded the case.</p> <p>Being aggrieved with the CESTAT, Kolkata (Circuit Bench, Shillong)'s Order, assessee filed the present writ petition.</p>	
07	M/s Hindustan Paper Corporation Ltd., Panchgram, Cachar, Assam Vs. UOI	W.P. © No. 359 / 06	14.17 +. 28 (Education Cess) 14.45	Vide order No. C.NO. CH-48/1/ADJ/2005/73447-49 dated 23.11.05 the Additional Commissioner (P&V), confirmed Central Excise duty amounting to Rs. 13,16,512/- and Rs. 28,330/- as Education Cess in terms of Section 11A of the Central Excise Act, 1944 on the papers cleared at Nil rate of duty and failed to produced certificate as required .	The case has been listed for hearing in the Part –II Cause List for the period from 02.05.11 to 03.06.11. Vide letter dated-26.8.11, Supdt. Shillong Law Cell Gauhati requested the Sr. Standing Counsel to take all possible steps for early hearing and disposal of the case.
08	M/s Pabhojan Tea Estate Vs. UOI	W.P. © No. 1930 / 06	6.96 (Interest) 1.67 (Education Cess) + <u>Total =</u> 8.63	Arbitrary and illegal demand of Rs. 6,96,000/- as interest on delayed payment of Additional duty of Excise as per Section 157 of the Finance Act, 2003 as well as on delayed payment of cess payable under the Tea Act, 1953	Hearing stage. Standing counsel dealing with the case was requested for to file Misc. Case for early hearing.
09	Shri Ziauddin Ahmed, Prop. Of M/s Seconee Tea Estate, P.O. Jaklabandha, Dist.-Nagaon, Assam –Vs- U.O.I. & Ors.	W.P.© No.3358/2006	Rs. 3.79 Lakhs	Seeking to recover an absurd amount of Rs.3.79 Lakhs as interest for delayed payment of additional duty imposed by Sec.157 of the Finance act,2003 and cess payable under sec.25 of the Tea Act,1953 (The Act) from the petitioner	Hearing stage. Misc. case was filed by the party for early hearing of the case. The Hon"ble Court vide order dated- 24.3.10 directed the Registry to list the case in the month of August"2010. But no date of hearing has been fixed by the Court till date. Vide letter dated- 26.8.11, Supdt. Shillong Law Cell Gauhati requested the Counsel to take all possible steps for early hearing and disposal of the case.
10	M/s Jallan Golaghat Tea Estate v/s U.O.I.	W.P.C. No. 3157/07	11.88	Exemption of AED on tea under Notfn. No. 33/99 and 42/03	The case was last listed for hearing on 11.08.11. Supdt. Shillong Law Cell Gauhati vide his letter dated- 26.08.11 requested the concerned Counsel to take all possible steps for early hearing and disposal of the case.
11	M/s Meghalaya Plywood Ltd. Vs. UOI	W.P.C. No. 55/2007(SH), T S No, 10(T)/2007	7.15	Non-payment of arrears.	Last heard in February,2010. Vide this office letter dated-07.10.2010. Vide this office letter dated-16.05.11, Sr. Standing Counsel had been requested to submit copy of the Judgment and Order, if any. Till date nothing has been heard from the Counsel in this regard. Reminder is being issued.
12.	M/s	W.P.C. No.	2.51	Arbitrary, unauthorized and discriminatory action	Hearing stage. The case was last listed for hearing on

	Bissessarwalal Mannalal & Co. v/s U.O.I.	3586/07		of the respondents in not refunding the excess revenue paid by the petitioner in spite of final assessment to the effect by the appropriate authority vide Order No. 8/Sil/04 dated 28.01.2004.	06.11.2008. Vide letter dated-26.08.11, Supdt. Shillong Law Cell Gauhati requested the Counsel to take all possible steps for early hearing and disposal of the case.
13.	M/s. DSL, Gau & Agartala Vs. UOI	CE Ref. No. 1/08 filed by the party	5308.79	Recovered arrear arises Under Section 154 of Finance Act,2003 from the Escrow account. Being aggrieved, party file this reference case.	Tagged with Cx. Ref case 3/2008., listed in part11 of the cause list and likely to be heard from 18.08.2011 to 30.09.2011.
14.	M/s Shyam Century Ferrous Ltd. Vs. UOI	WPC No. 123(SH)/08	N.S.	Party challenged the legality and validity of the Notification No. 17/2008 – CE dated 27.03.08	Pending before Shillong Bench of Gauhati High Court.Similar cases got disposed of in terms of common WA. No. 243/09 and Order dated-24.06.2009.
15.	M/s Cement Manufacturing Co. Ltd. Vs. UOI	WPC No. 124/08	-do-	Party challenged the legality and validity of the Notification No. 17/2008 – CE dated 27.03.08	-do-
16.	M/s Megha Technical and Engineers Pvt. Ltd. Vs. UOI	WPC No. 126/08	-do-	Party challenged the legality and validity of the Notification No. 20/2008 – CE dated 27.03.08	-do-
17.	M/s Meghalaya Cements Ltd. Vs. UOI	WPC No. 133(SH)/08 & Misc. Case No. 227(SH)/08	-do-	Party challenged the legality and validity of the Notification No. 17/2008 – CE dated 27.03.08	-do-
18.	M/s. Forbes Auamall Ltd. Vs. UOI	WPC No. 5429/08	NA	Challenging Notfn. No.17/08, 18/,20/08 dt.27.3.08 and Notification dated 10.6.2008	-do-
19.	M/s. New Tobacco Co. Ltd. Vs UOI	C.EX. Appeal No.3/2008 (Misc..case 3455/08)	276.5	Against CESTAT Order No.S-780/A-957/Kol/2008 dt.24.9.2008 wherein party was asked to pay the duty in view of 154 upheld by S.C. The party filed petition before S.C. for modification of order dated 30.6.06 which was not allowed.	Being similar issue, tagged with Cx. Ref No. 1/2008. The case has again been listed for hearing the Part-II Cause List for the period from 18.08.11 to 30.09.11.
20.	UOI Vs. M/s. DSL, Agartala	W.A No. 38/2009 (W.A. No. 137)	NA	Challenged Notfn. No. 17/08 dt. 27.3.2008	Transfer of Writ Appeal No. 38/2009 with CM application Nos. 68/09 and 69/09 from Agt. Bench of Guwhati High Court. Listed for hearing in the Part –II Cause List from 02.05.2011 to 03.06.2011.
21.	Bulland Cements (P) Ltd. Vs. UOI	3387/09	NA	Challenged Notification No.20/2007 dt.27.3.2008 as amended	Hearing stage. The case has been tagged with the common appeal i.e. W.A. No. 243/2009
22.	M/s. Vinay Cements Ltd. Vs. UOI	W.P.C. No.243/09	NA	-do-	Hearing stage. Listed in Part-II Cause list w.e.f. 03.01.2011 to 04.03.2011.
23.	UOI Vs M/s..	Review Petition	NA	Review petition filed against imposition of 10%	Hearing stage. The standing counsel was requested to

	Hindustan Coca-cola Beverages Ltd.	No.12)08 arising out of order dt 05.03.08 in37(SH)06 (454/04transferred in Shillong Bench)		interest imposed by H.C.	take necessary steps for early disposal of the case.
24.	M/s. Bigstar G. Service Pvt.Ltd. Vs. UOI	W.P.C. No.4183/09	NA	Superintendent Service Tax Kolkata and Mumbai issued summons to furnish details in relation to lottery business which falls under BAS. Being aggrieved, party filed this writ and subsequently obtained centralized Registration from this Commissionerate having their place of Business at Silchar. .	Hearing stage. Last listed for hearing in Part- II Cuase List w.e.f. 03.01.2011 to 04.03.11. But did not reach to the Court.
25.	M/s Railtrack Concrete Products (P) Ltd. Vs. UOI	CEX Appeal No. 12/2009 & Misc. Case No. 3002/2009	28.58	Production of 4900 pieces of Concrete Sleepers can safely be termed as commercial production or Non-Commercial production.	Hearing stage. Last listed for hearing in Part- II Cause List w.e.f. 03.01.2011 to 04.03.11. The Counsel has been requested to intimate the present status of the case.
26.	UOI Vs DSL Group	WA No. 394/10	2429.92	Writ appeal filed on 04.02.2010 against the Order dt 06.01.10 passed by Hon'ble Gauhati High court in W.P© No. 591/2008	Next date of hearing has been fixed on 15.11.2011.
27.	UOI Vs DSL Group	Filling SI No. 132811/2010	50.31	Writ appeal filed on 02.03.2010 against the Order dt 06.01.10 passed by Hon'ble Gauhati High court in W.P© No. 1048/2008	Efforts are being made for early listing of hearing for disposal of the case.
28.	UOI Vs DSL Group	Filling SI No. 132818/2010	N.A.	Writ appeal filed on 02.03.2010 against the Order dt 06.01.10 passed by Hon'ble Gauhati High court in W.P© No. 2814/2008	-do-
29.	M/s Dharampal Premchand & another Vs UOI	W.P(C) No 144 of 2010	N.A	W.P (C) filed against Notification No. 11/2007-CE dated 01.03.2007 by which exemption benefits granted under Notf, No. 08/2004 & 28/2004 was withdrawn.	Supdt. (Law & Appeal), Central Excise & Service Tax Division, Agt. vide his letter dated-31.05.11 informed that the case is not listed for hearing on 31.05.11.The next date of hearing will be communicated as soon as the same is appeared in the Cause – List.
30.	M/s. S. Gajendran Vs. UOI	WP (C) No. 3857 of 2010	4.24	The petitioner challenged the legality & validity of O.I.O No.04/ST/DC/SIL dt.06.11.07 passed by D.C. Silchar confirming the demand.	Affidavit in opposition filed on 08.10.2010. The Counsel has been requested to take necessary action for early listing/hearing of the case.
31.	M/s. Coal Mines Associated traders Vs. Addl. Commr. And ors.	W.P (C) No.117 of 2010 application No. 87/2010	26.01	The noticee have failed to obtain Service Tax registration within stipulated period under section 69 of the Chapter V of the Finance Act'1994 and challenged the Show Cause Notice issued demanding Service Tax, Education Cess and Higher Education Cess.	Hearing was held on 01.03.2011. Stay will continue till the disposal of the writ petition..Hon'ble Court expressed that the case needs full & final hearing. The next date of hearing is not yet fixed.
32.	UOI Vs M/s. DSL	W.A. No. 395/2010.	NA	The deptt. filed W.A. appeal before Hon'ble Gauhati High Court against order dated-29.06.2010 passed by MC 479/2010, filed by the DSL in W.P.(C) No. 591/08 for implementation of order dated-06.01.2010 passed in W.P.(C) No.591/08	Next date of hearing has been fixed on 15.11.2011
33	UOI Vs. M/s.	Order dated-	NA	Party's claim exemption Excise duty and	Shillong , Bench of Guwahati High Court. Writ

	Lafarage Mining(P) Ltd.	13.08.2010 passed in W.P.(C) No. 198 (SH) 2009		Customs duty on conveyer belt for transporting Lime Stones to Bangladesh for manufacturing of cements. The Conveyer belt is outside the declared premises of EOU. Being aggrieved, party filed Writ Petition.	Appeal filed on against the order dated- 13.08.2010. The standing Counsel informed that in absence of constitution of Division bench. The case is not heard. Proposal to transfer the case to Guwahati Div bench sent to the Standing Counsel.
34.	UOI Vs. M/s. DSL, Agartala/ Gauhati	Writ Appeal file Vide Sl. No. 161261 dated- 22.7.11.	NA	W.A. filed against the Judgment Order dated- 27.6.2011 in W.P.(C) No. 3122/2009	Filed before the Division Bench, Gauhati High Court vide Filling Sl. No. 161261/2011 dated- 22.07.2011.a request was also sent to Shri K.N. Choudhury for early hearing and disposal of the case vide letter dated 05.08.2011.