

ITEM NO.8

COURT NO.2

SECTION PIL-W

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

INTERLOCUTORY APPLICATION NOS. 247, 250, 265,  
268, 270, 271, 273, 56562, 56590, 76163, 76167,  
90519, 90523,83141, 72931 and 98421

IN

WRIT PETITION(S) (CIVIL) NO(S). 562/2009

SAMAJ PARIVARTANA SAMUDAYA & ORS.

Petitioner(s)

VERSUS

STATE OF KARNATAKA & ORS.

Respondent(s)

(I.A. No.90519/2017-APPROPRIATE ORDERS/DIRECTIONS  
I.A. No.90523/2017-PERMISSION TO FILE APPLICATION FOR DIRECTION  
I.A. No. 83141 (FOR DIRECTION) AND  
I.A. No.72931 (FOR DIRECTION)  
I.A. No.98421 (ADDITIONAL DOCUMENTS)

Date : 05-10-2017 These applications were called  
on for hearing today.

CORAM :

HON'BLE MR. JUSTICE RANJAN GOGOI  
HON'BLE MR. JUSTICE ABHAY MANOHAR SAPRE  
HON'BLE MR. JUSTICE NAVIN SINHA

Amicus Curiae

Mr. Shyam Divan, Sr. Adv. (A.C.),  
Mr. A.D.N Rao, Adv. (A.C.)  
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For parties :

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State of  
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IA 76163, 76167

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Mr. Karan Mathur, Adv.  
Mr. Anjuman Tripathy, Adv.  
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Mr. Rohit Sharma, Adv.  
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IA 270

Mr. Fali S. Nariman, Sr. Adv.  
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Mr. Vivek Vishnoi, Adv.  
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Mr. Subhash Sharma, Adv.  
Mr. Rishikesh Madhav, Adv.

IA 271

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Mr. Yogamaya M.G., Adv.

IA 273

Mr. Kapil Sibal, Sr. Adv.  
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CBI

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Mr. N.K. Karhail, Adv.  
Mr. Raj Bahadur, Adv.  
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IA.72931

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IA.83141

Mr. Maninder Singh, ASG  
Ms. Purnima Jauhari, Adv.  
Ms. Seema Patnaik, Adv.  
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IA 33454,33459

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Ms. Ranjeeta Rohatgi, Adv.

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Dr. Sushil Balwada, Adv.

Mr. S.S. Shamsbery, AAG  
Mr. Amit Sharma, Adv.  
Mr. Sandeep Singh, Adv.  
Mr. Ankit Raj, Adv.  
Ms. Indira Bhaskar, Adv.  
Ms. Ruchi Kohli, AOR

UPON hearing the counsel the Court made the following  
O R D E R

I.A. No.56590 of 2017

After hearing the learned counsel for the applicant Shri Huzefa Ahmadi and Shri Shyam Divan, learned amicus curiae, we direct the Monitoring Committee to take necessary action to enable the lessee to claim and obtain input tax credit under the Central Goods and Services Tax Act, 2017. We specifically direct that the G.S.T. payable on the sale value of the mineral purchased in the e-auction shall be paid by the buyer directly to the lessee and the lessee would be responsible for all compliances as may be required under Act.

We further direct that the Monitoring Committee to prepare appropriate proforma and also take steps for carrying proper Tax Identification Number of the respective lessees on the invoices as may be required.

With the aforesaid directions I.A. No.56590 of 2017 is disposed of.

I.A. No.72931 and 83141 of 2017

We have heard Shri Maninder Singh, learned Additional Solicitor General for the Union of India. We have perused the contents of I.A. No.72931 and 83141 of 2017 filed on behalf of the Ministry of Steel and also the additional affidavit filed on behalf of the Ministry of Mines dated 11.09.2017.

In view of the contradictory stand taken in the aforesaid two sets of applications by the Union of India, we would like to know the precise stand of the Union of India and the precise prayer(s) with regard to the ceiling/cap.

Requisite application in terms of the above may be filed on or before 10<sup>th</sup> October, 2017 when the matter will be taken up next.

List these applications on 10<sup>th</sup> October, 2017.

I.A. Nos. 247, 250, 265, 268, 270, 271,  
273, 56562, 76163, 76167, 90523, and 98421

List these applications on Tuesday i.e. 10<sup>th</sup> October, 2017.

I.A. Nos. 90519, 33454 and 33459

On being mentioned, I.A. Nos. 33454 and 33459 are taken on board.

List these applications on Wednesday i.e. 11<sup>th</sup> October, 2017.

(NEETU KHAJURIA)  
COURT MASTER

(S.S.R. KRISHNA)  
ASSISTANT REGISTRAR