

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 12071 OF 2016
[@ SPECIAL LEAVE PETITION (C) NO. 35577 OF 2016]

CENTURY 21 MALLS PVT LTD

Appellant(s)

VERSUS

STATE OF MADHYA PRADESH AND ANR.

Respondent(s)

J U D G M E N T

KURIAN, J.

1. Leave granted.

2. The short issue that arises for consideration in this case is whether the High Court was justified in not granting an interim order, as was granted in other cases pending before it. It is seen that in the impugned order, the High Court has referred to in detail as to why the departure has been made.

3. Be that as it may, the High Court has stayed the penalty since even according to the High Court, penalty could not have been imposed without granting an opportunity for hearing. Since the connected matters are pending before the High Court, we refrain ourselves from making any observation on the merits of the matter.

4. We dispose of this appeal permitting the appellant to deposit 50% of the demand minus penalty within a period of ten weeks from today. As far as the balance 50% is concerned, the appellant shall give an undertaking before the High Court, as given by the other writ petitioners before the High Court.

5. To the above extent, the impugned order stands modified. We request the High Court to dispose of the writ petitions expeditiously.

6. Needless to say that the observations made in the impugned order are only *prima facie* views for the purpose of interim order and shall have no bearing when the writ petitions are finally disposed of.

No costs.

.....J.
[KURIAN JOSEPH]

.....J.
[ROHINTON FALI NARIMAN]

New Delhi;
December 14, 2016.