

Court No. - 59

Case :- WRIT TAX No. - 942 of 2018

Petitioner :- M/S Jai Baba Amarnath Industries

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Rahul Agarwal

Counsel for Respondent :- C.S.C., Anant Kumar Tiwari, Devendra Gupta, Krishna Ji Shukla, S.C.

Hon'ble Saumitra Dayal Singh, J.

1. Heard Sri Nishant Mishra, Sri Naveen Chandra Gupta, Sri Praveen Kumar, Sri Rishi Raj Kapoor, Sri Shubham Agrawal and Sri Murari Mohan Rai, learned counsel for the petitioner and Sri Krishna Ji Shukla, Sri Anant Kumar Tiwari, Sri Devendra Gupta, learned counsel appearing for the Union of India and Sri B.K. Pandey, learned Standing Counsel for the State-respondent.

2. Sri Krishna Ji Shukla, learned counsel for the Union of India has placed on record written instructions received by him from the Under Secretary, Government of India, disclosing that the Union has been advised to file a special leave petition against the order of this Court, sitting at Lucknow, in **Writ Petition (Tax) No.655 of 2018 (M/S Torque Pharmaceuticals Pvt. Ltd. Vs. Union of India & 5 Others)** and **PIL Civil No.6800 of 2019 (Oudh Bar Asso. High Court, Lko. Thru General Secretary & Anr Vs. U.O.I. Thru Secy. Ministry of Finance & Ors)** dated 31.05.2019. It has been orally submitted that on account of the certain directions contained in the order dated 31.05.2019, the Union and or the GST Council is facing some difficulty in providing the State and the Area Benches of the Tribunal, for the State of Uttar Pradesh. At present, a certified copy of the order of this Court dated 31.05.2019 stated to have been applied for.

3. Those instructions apart, by the last order dated 16.10.2019, it had been observed as under:-

"5. However, keeping in mind that the matter is engaging the attention of the Division Bench as also in view of the assurance given by Sri Shukla that the matter would be resolved by the appropriate authorities at the earliest, as prayed three weeks' time is granted to him to obtain instructions and file a proper affidavit, if necessary, to bring on record the further action taken for constitution of appropriate Benches of GSTAT for the State of Uttar Pradesh."

4. No compliance has been made of the same.

5. Sri Shukla prays for and is granted three weeks' time to file an affidavit of the authorized and responsible officer of the Union of India with respect to matters noted in the orders dated 18.09.2019 and 16.10.2019.

6. List again on 11.12.2019, on which date, it is expected that the necessary affidavit disclosing the steps taken and or proposed by the Union and or the GST Council with respect to Constitution of the Tribunal for the State of Uttar Pradesh and the manner in which it is being dealt with, would be brought on record.

Order Date :- 13.11.2019

S.Chaurasia