

पत्र संख्या- वाद अनुभाग / 2020-21 /
प्रेषक,

140 / वाणिज्य कर

कमिश्नर वाणिज्य कर,
उत्तर प्रदेश, लखनऊ।

सेवा में,

समस्त अधिकारीगण,
वाणिज्य कर विभाग,
उत्तर प्रदेश।

विषय :- माननीय उच्च न्यायालय, इलाहाबाद खण्ड पीठ लखनऊ द्वारा वाद संख्या **W.P.No.10184(M.B.) 2020** श्रद्धा कन्सट्रक्शन बनाम उ०प्र० राज्य में दिये गये आदेश दिनांक 25.06.2020 के अनुपालन के संबंध में ।

लखनऊ::दिनांक:: ४ जुलाई,2020

महोदय,


कृपया संलग्न प्रमुख सचिव एवं विधि परामर्शी उ०प्र० शासन के पत्र संख्या मु०स०-20/सात-न्याय-2-2020 दिनांक 01.07.2020 का संदर्भ लें, जिसके द्वारा उपर्युक्त विषय के संबंध में मुख्य सचिव, उत्तर प्रदेश शासन के पत्र संख्या-450/पी०एस०एम०एस० /2020, दिनांक 29.06.2020 की छायाप्रति समस्त संलग्नकों सहित संलग्न कर प्रेषित करते हुए अवगत कराया है कि दिनांक 25.06.2020 को इस वाद में मा० उच्च न्यायालय द्वारा निम्नवत् आदेश पारित किये गये हैं:-

".....In view of this as we are conscious of the fact that in this lockdown period High Court, at least at Lucknow is not issuing certified copies of the orders, therefore, it is provided that irrespective of any observation made in any order passed by a Division Bench or Single Judge Bench of this Court requiring a certified copy of an order passed by it to be served upon the authorities or the Court below for compliance, so long as certified copies are not being issued by this High Court at Lucknow, e-copy of the order as downloaded from the High Court's official website, if it is served, would be sufficient service and the concerned authority or Court can verify the same from the website of the High Court and they shall not insist on the certified copy of the order. Such order shall be complied accordingly. The benefit of this order shall, however, come to an end as and when certified copies start being issued by the High Court."

.....2

उक्त पत्र/आदेश की प्रति इस पत्र के साथ संलग्न कर इस आशय से प्रेषित की जा रही है कि माननीय उच्च न्यायालय इलाहाबाद द्वारा दिये गये उपरोक्त आदेश का समयान्तर्गत अनुपालन करना सुनिश्चित करें ।

संलग्नक:- उपरोक्तानुसार ।

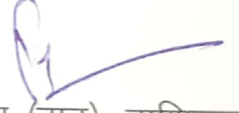

(अमृता सोनी)

कमिश्नर, वाणिज्य कर,
मुख्यालय, लखनऊ ।

पृष्ठांकन पत्र संख्या व दिनांक उक्त ।

प्रतिलिपि :- 1. समस्त अनुभाग अधिकारी, वाणिज्य कर मुख्यालय, उत्तर प्रदेश ।

2. डिप्टी कमिश्नर(आई0टी0), वाणिज्य कर को इस अनुरोध के साथ प्रेषित कि प्रकरण की महत्ता की दृष्टिगत तत्काल विभागीय वेबसाइट पर उपलब्ध कराने का कष्ट करें ।


ज्वाइण्ट कमिश्नर (वाद), वाणिज्यकर,
मुख्यालय, लखनऊ ।

ई-मेल
दिनांक 07.07.2020 को मा0 उच्च न्यायालय में सुनवाई
संख्या मु0स0-20/सात-न्याय-2-2020

प्रेषक,

जे0पी0 सिंह-11,
प्रमुख सचिव एवं विधि परामर्शी,
उत्तर प्रदेश शासन।

सेवा में,

1- समस्त अपर मुख्य सचिव/
प्रमुख सचिव/सचिव,
उत्तर प्रदेश शासन।

2- समस्त विभागाध्यक्ष,
उत्तर प्रदेश।

लखनऊ,

लखनऊ : दिनांक 30 जून, 2020

न्याय अनुभाग-2 (अधीनस्थ न्यायालय)

विषय:- Regarding compliance of order dated 25-06-2020 passed in W.P.No. 10184 (M.B.) of 2020
Shardha Construction Thru Prop. Sri Nath Singh & Ors. Vs. State of U.P. & Ors.

महोदय,

उपर्युक्त विषय के संबंध में मुख्य सचिव, उत्तर प्रदेश शासन के पत्र संख्या-450/पी0एस0एम0एस0/2020, दिनांक 29.06.2020 की छायाप्रति समस्त संलग्नकों सहित संलग्न कर प्रेषित करते हुए कृपया अवगत कराना है कि दिनांक 25.06.2020 को इस वाद में मा0 उच्च न्यायालय द्वारा निम्नवत् आदेश पारित किये गये हैं:-

".....In view of this as we are conscious of the fact that in this lockdown period High Court, at least at Lucknow is not issuing certified copies of the orders, therefore, it is provided that irrespective of any observation made in any order passed by a Division Bench or Single Judge Bench of this Court requiring a certified copy of an order passed by it to be served upon the authorities or the Court below for compliance, so long as certified copies are not being issued by this High Court at Lucknow, e-Copy of the order as downloaded from the High Court's official website, if it is served, would be sufficient service and the concerned authority or Court can verify the same from the website of the High Court and they shall not insist on the certified copy of the order. Such order shall be complied accordingly. The benefit of this order shall, however, come to an end as and when certified copies start being issued by the High Court."

2. अतएव इस संबंध में मुझे यह कहने का निदेश हुआ है कि कृपया प्रश्नगत प्रकरण में मा0 उच्च न्यायालय द्वारा पारित आदेश का समयान्तर्गत अनुपालन सुनिश्चित कराने का कष्ट करें।

संलग्नक:यथोक्त।

श्रीमती अंजली/डा.ए. त्रिपाठी

भवदीय,

(जे0पी0 सिंह-11)

प्रमुख सचिव एवं विधि परामर्शी।

J.C. (Law)

संख्या व दिनांक-उपरोक्तानुसार

प्रतिलिपि समस्त जिलाधिकारी, उत्तर प्रदेश को संलग्नकों की छायाप्रति सहित आवश्यक कार्यवाही हेतु प्रेषित।

संलग्नक:यथोक्त।

Add. Com. (Law)

✍

कमिश्नर

06.07.2020

आज्ञा से,

(जे0पी0 सिंह-11)

प्रमुख सचिव एवं विधि परामर्शी।

663

sri go

J.C. (Law)

श्रीमती अंजली/डा.ए. त्रिपाठी
15/7/20

116(4)

31/07/2020

मुख्य सचिव कार्यालय, उत्तर प्रदेश शासन

Sl.No.-1

प्रथम तल, लोक भवन, उत्तर प्रदेश सचिवालय, लखनऊ

दूरभाष संख्या-0522-2289212, 2289296, फ़ैक्स-2239283

संख्या : 450 / पी.एस.एम.एस. / 2020

दिनांक 29 जून, 2020

प्रमुख सचिव, न्याय

कृपया श्री मानवेन्द्र सिंह, एच0जे0एस0, सीनियर रजिस्ट्रार, मा0 उच्च न्यायालय, खण्डपीठ लखनऊ के संलग्न ई-मेल दिनांक 27 जून, 2020 का अवलोकन करने का कष्ट करें, जो रिट पिटीशन संख्या-10184 (एम0बी0)/2020, श्रद्धा कन्सट्रक्शन द्वारा प्रो0 श्री नाथ सिंह बनाम उ0प्र0 राज्य एवं अन्य में मा0 न्यायालय द्वारा पारित आदेश दिनांक 25 जून, 2020 के सम्बन्ध में है। मा0 न्यायालय द्वारा निम्नवत् आदेश (संलग्न) पारित किये गये हैं :-

"Senior Registrar of this Court shall communicate this order to the Chief Secretary, Government of U.P. for circulating it among the Head of the departments and District Officials, so that inconvenience is not caused to litigants on this count....."

कृपया प्रश्नगत प्रकरण में माननीय उच्च न्यायालय द्वारा पारित आदेश का समयान्तर्गत अनुपालन सुनिश्चित कराने का कष्ट करें। उक्त वाद मा0 उच्च न्यायालय में दिनांक 07 जुलाई, 2020 को सुनवाई हेतु निर्धारित है।

संलग्नक : यथोपरि।

3454/LR
29/6/2020

gmp

श्री विपिन कुमार

29.06.2020

(राजेन्द्र कुमार तिवारी)
मुख्य सचिव
उत्तर प्रदेश शासन

29-6-2020
(जे० पी० सिंह-II)
प्रमुख सचिव,
न्याय एवं विधि परामर्शी
उ० प्र० शासन।

पाप-2

संलग्नक प्रमुख सचिव विभागाध्यक्ष
को फ़ैक्स द्वारा
श्री श्री

30/6/2020
(विपिन कुमार)
विशेष सचिव
न्याय एवं अपर विधि परामर्शी
उत्तर प्रदेश शासन

श्री श्री
30.06.2020

Compliance in W.P. No. 10184(MB)-2020

From : civil lko <civil_lko@allahabadhighcourt.in>
Subject : Compliance in W.P. No. 10184(MB)-2020
To : CHIEF SECRETARY GoUP <csup@nic.in>

Sat, Jun 27, 2020 02:50 PM

2 attachments

Respected sir,

कोर्ट केस/तत्काल


Kindly find Hon'ble Court's order dt. 25.06.2020 alongwith letter for compliance in W.P. no. 10184(MB)-2020 as an attachment to this mail.

Regards.

High Court,

Lucknow Bench, Lucknow.

******The information contained in this message and any attachments thereto are intended for the exclusive use of the addressee(s) and may contain confidential and / or privileged information / material. Any review, re-transmission, dissemination or other use of, or taking of any action in reliance upon this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and delete/destroy all copies of this message and any attachments from any computer.******

 **Order passed in WP 10184(MB)-20.pdf**
629 KB

 **letter.pdf**
108 KB

Manvendra Singh H.J.S.
Senior Registrar



Lucknow Bench
Lucknow
No. 2914
Dated: 27/06/2020

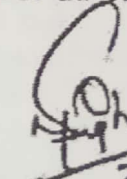
To,
The Chief Secretary,
U.P. Government, Lucknow.

Sub : Regarding compliance of order dated 25.6.2020 passed in W.P.No. 10184(M.B.)of 2020 Sharda Construction Thru Prop. Sri Nath Singh & Ors. Vs. State of U.P & Ors.

I am directed to request you that during the course of hearing of the aforesaid case, Hon'ble Court vide its order dated 25.6.2020 has been pleased to pass the following order:-

In view of this as we are conscious of the fact that in this lockdown period High Court, at least at Lucknow, is not issuing certified copies of the orders, therefore, it is provided that irrespective of any observation made in any order passed by a Division Bench or Single Judge Bench of this Court requiring a certified copy of an order passed by it to be served upon the authorities or the Court below for compliance, so long as certified copies are not being issued by this High Court at Lucknow, e-Copy of the order as downloaded from the High Court's official website, if it is served, would be sufficient service and the concerned authority or Court can verify the same from the website of the High Court and they shall not insist on the certified copy of the order. Such order shall be complied accordingly. The benefit of this order shall, however, come to an end as and when certified copies start being issued by the High Court.

I am therefore, sending herewith a copy of the aforesaid order dated 25.6.2020 for perusal and necessary compliance as directed by the Hon'ble Court.


27.6.2020
Senior Registrar

Encl.: 1. copy of order dated 25.6.2020.

Court No. - 16

Case :- MISC. BENCH No. - 10184 of 2020

Petitioner :- Shradha Construction Thru Prop. Sri Nath Singh And Ors.

Respondent :- State Of U.P. Thru Secy. Mines & Minerals Deptt. And Ors.

Counsel for Petitioner :- Dinesh Kumar Mishra, Nishant Mishra, Praveen Kumar Singh

Counsel for Respondent :- C.S.C.

Hon'ble Rajan Roy, J.

Hon'ble Narendra Kumar Johari, J.

Moot question before the Court is as to under which provision of the statute relating to mining activities or the Rules thereunder the Mining Officer, Ayodhya could have written to the Executive Engineer, PWD, Ayodhya for deducting certain amount from the bills raised by the petitioners who are the contractors registered with Public Works Department, on account of some ongoing inquiry by the Mining Officer as to the veracity of the M.M.11, when the petitioners are neither the lease holders as is claimed, nor the M.M.11 is to be prepared or submitted by them ?

It is said that at best if some irregularity is found with regard to the M.M.11, then the lease holder or whosoever may have procured the mineral may be held liable under the relevant Act and the Rules, but there is no way that the petitioners' bills can be stalled on the direction of the Mining Officer as this is something to do with the agreement arrived at between the petitioners and the P.W.D.

Let this case on 7.7.2020 as fresh.

As the learned counsel for the petitioners undertakes to file an undertaking by 6th of July, 2020 that in the event petitioners are found liable to pay any due amount to the Mining Department, they shall do so, it is provided that no recovery shall be made from them in pursuance to the impugned order, subject, however, to the aforesaid condition. In the event undertaking is not filed by 6th July, 2020, benefit of this interim order shall not be available to the petitioners.

Sri D.K. Mishra makes a mention before this Bench that some orders have been passed wherein certified copy of the orders passed by the Division Bench and other Single Judge Benches of this Court are required to be furnished to the Authorities or the Courts below, as the case may be, but in this lockdown, as certified copies are not being issued, therefore, the litigants are being put to hardship and the authorities not realizing this aspect of the matter are not complying the said order in the

absence of certified copies.

In view of this as we are conscious of the fact that in this lockdown period High Court, at least at Lucknow, is not issuing certified copies of the orders, therefore, it is provided that irrespective of any observation made in any order passed by a Division Bench or Single Judge Bench of this Court requiring a certified copy of an order passed by it to be served upon the authorities or the Court below for compliance, so long as certified copies are not being issued by this High Court at Lucknow, e-Copy of the order as downloaded from the High Court's official website, if it is served, would be sufficient service and the concerned authority or Court can verify the same from the website of the High Court and they shall not insist on certified copy of the order. Such order shall be complied accordingly. The benefit of this order shall, however, come to an end as and when certified copies start being issued by the High Court.

Senior Registrar of this Court shall communicate this order to the Chief Secretary, Government of U.P. for circulating it among the Head of the Departments and District officials, so that inconvenience is not caused to litigants on this court.

Registrar General of this Court is directed to circulate this order amongst the District Judges of Uttar Pradesh for the same purpose, as aforesaid.

-sd-

-sd-

(Narendra Kumar Johari, J.) (Rajan Roy, J.)

Order Date :- 25.6.2020
A.Nigam