

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.913 of 2015

In
MA 168 of 2011

- =====
1. The State of Bihar through Principal Secretary, Commercial Taxes, Bihar, Patna
 2. The Joint Commissioner of Commercial Taxes, Tirhut Division, Muzaffarpur
 3. The Assistant commissioner, Commercial Taxes, Bettiah.

.... Petitioners

Versus

M/s New Swadeshi Distillery, Narkatiyaganj, West Champaran, Bettiah

.... Opp. Party

=====

CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA

and

HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL ORDER

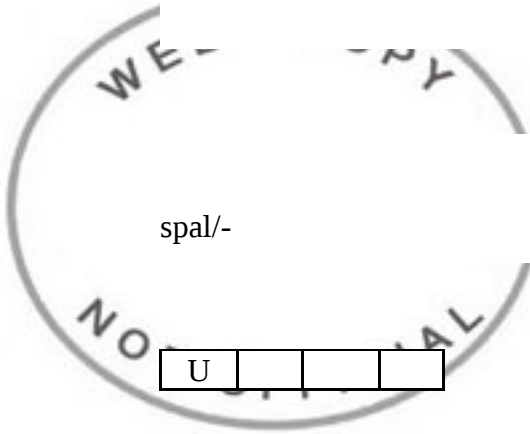
(Per: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA)

2 11-05-2015 Learned counsel for the petitioners submits that on account of a defective stamp report, which could not be pointed out before this Court when the matter was taken up on 22.8.2014, the appeal stood dismissed for default for non-compliance of the said order. It is submitted that copy of the order dated 28.2.2004 out of which the impugned order arises having not been furnished is incorrect as the said order has been filed as Annexure-2 to the memo of appeal from pages 16 to 21 of the same although due to inadvertent error a different notification instead of the said order has been mentioned in the Index to the memo of appeal.

Upon hearing learned counsels for the parties and on a consideration of the aforesaid submission, M.A. No. 168 of 2011

is directed to be restored to its original file.

The restoration application is, accordingly, allowed.



(Ramesh Kumar Datta, J)

(Anjana Mishra, J)