

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7789 of 2015

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Su Kam Power Systems Ltd., a company incorporated under the Companies Act, 1956 having its registered office at Plot no. 54, Udyog Bihar, Phase-VI, Sector 37, P.O. Sadar Bazar , P.S. Sector 37, Gurgaon (Haryana) and branch Office at Rana Niwas , East Boring Canal Road , P.O. Boring Road, P.S. Budha Colony, District- Patna, through its Assistant Manager , Lal Mohammad, son of Mohammad Khalil, resident of 701, Janta Flat, Pocket-2 , Paschim Puri, P.O.+ P.S. Madipur, New Delhi.

.... Petitioner/s

Versus

1. The State of Bihar through the Commissioner-cum-Secretary, Commercial Taxes , Bihar, Patna having its office at Vikas Bhawan , Bailey Road, Patna.
2. Assistant Commissioner of Commercial Taxes , Patilputra Circle, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. D.V.Pathy
Mrs. Manju Jha
Mr. P.K. Mishra
For the Respondent/s : Mr. Vikash Kumar, A.C. to PAAG

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA

and

HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA)

4 07-07-2015 Upon hearing learned counsel for the petitioner and learned counsel for the State and considering the statements made in the counter affidavit, we are of the view that the case is not one of undisputed facts and, therefore, the appropriate remedy for the petitioner would be to challenge the impugned order by taking recourse to statutory remedy available to it.

The writ application is, accordingly, disposed of with liberty to the petitioner to take recourse to appropriate remedy. In

case any appeal is filed by the petitioner within a period of four weeks from today along with the stay petition and an application for condonation of delay in filing the same, then the appellate authority shall consider the same keeping in view the fact that the petitioner has been pursuing its remedy before this Court.

Until the decision by the appellate authority on the stay petition, no coercive action shall be taken against the petitioner.

(Ramesh Kumar Datta, J)

V.P.Sinha/-

(Anjana Mishra, J)

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