IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M- No.29896 of 2011(O&M)
Date of decision: 27.05.2015

Sunam Sarkar **-----Petitioner (s)**

V/s

State of Haryana etc.

-----Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Ms. Munisha Gandhi, Sr. Advocate with
Mr. Tarurag Gaur, Advocate for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

Mr. Angel Sharma, Advocate for
Mr. D.D. Sharma, Advocate for respondents No. 2 and 3.

HARI PAL VERMA, J.(Oral)

Learned counsel appearing for respondents No. 2 and 3 has placed on record communication dated 14.05.2015 issued by the Office of the Commissioner of Central Excise & Service Tax: Faridabad-I: New C.G.O. Complex: NH-IV:: Faridabad-121001 (Haryana). The same is taken on record.

The said communication refers that department has conducted enquiry itself and through its counterpart i.e. from Chennai IV Commissionerate, Additional Commissioner, Chennai and the report has been submitted in this matter. The contents of said letter reads as under:-

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"Office of the Commissioner of Central Excise & Service Tax: Faridabad-I, New C.G.O. Complex: NH-IV: Faridabad-121001 (Haryana).
C.No.IV(AE) 20/Enq/Rupesh Bansal/9/2011/259
dated 14.05.2015.

To,

Shri Satish Aggarwala, Advocate.
226-227, Patiala House Court,
New Delhi-110001.

Sir, Sub:- CRM-M-29896 of 2011 titled as Sunam Sarkar Versus State of Haryana fixed for 24/02/2015 before the Hon'ble Punjab & Haryana Court, Chandigarh-reg

Please refer to the subject cited above.

In this regard, it is submitted that the department has conducted enquiry itself and through its counterpart i.e. from Chennai IV Commissionerate, Additional Commissioner, Chennai vide their C.No. IV/16/197/2010-HPU has submitted report in this matter(copy enclosed).

Based upon enquiry conducted and fact available, it has come to notice that though M/s. Appollo Tyres Ltd. received good-less invoices from M/s. Radhev Trading Company, SSI Plot No.2, Nehru Ground, Faridabad yet no Cenvat Credit was involved on the same and nothing has been found against them from Central Excise point of view. However, the case of referred to Income Tax Department vide this office letter dated 24.12.2012 (copy enclosed) for necessary investigation. Therefore, the presence of Sh. Sunam Sarkar is no longer required as far as Central Excise is concerned.

Accordingly, the prayer is submitted herewith is quadruplicate for filing in the Hon'ble Court to withdraw the complaint filed against Sh. Sunam Sarkar in the Hon'ble CJM Court, Faridabad.

Encls:- As above Yours faithfully,

Sd/-

Deputy Commissioner (AE),Faridabad-I,
Faridabad"

The aforesaid letter further indicates that the presence of the petitioner, namely, Sunam Sarkar is no longer required as far as Central Excise is concerned. The department has decided to

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withdraw the complaint filed against Sh. Sunam Sarkar in the Hon'ble CJM Court, Faridabad.

In view of the aforesaid categorical decision, no further order is required in the present petition. Consequently, the present petition is rendered infructuous.

May 27, 2015 **(HARI PAL VERMA)**
Anjal **JUDGE**

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