

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP No. 4029 of 2015
Decided on : 09.12.2015**

Herbalife International India Pvt. Ltd.

. . . Petitioner

Versus

State of Haryana and others

. . . Respondents

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE RAMENDRA JAIN**

PRESENT: Mr. Amar Pratap Singh, Advocate,
Mr. Amrinder Singh, Advocate,
Mr. Abhishek Sharma, Advocate
for the petitioner.

Ms. Mamta Singla Talwar, DAG, Haryana and
Mr. Saurabh Mago, AAG, Haryana.

Mr. R.M. Suri, Advocate
for respondent No.4.

AJAY KUMAR MITTAL, J. (Oral)

The petitioner has approached this Court under Articles 226/227 of the Constitution of India, seeking quashing of letter dated 25th February, 2015 (Annexure P-1) issued by respondent No.2 for encashing the bank guarantee dated 12.12.2014 issued by respondent No.4 (Annexure P-2).

2. During the course of hearing of the present writ petition on October 28, 2015, it was pointed out by learned counsel for the parties that an appeal filed by the parties is pending consideration before the Joint Excise & Taxation Commissioner (Appeals) [in short 'JETC(A)'] and was listed on 9th October, 2015, wherein, the arguments were heard and the judgment was reserved. Accordingly, the case was adjourned for today i.e.

09th December, 2015.

3. Learned counsel for the petitioner states that the Appellate-Authority i.e. JETC(A) had decided the appeal on 9th October, 2015 and has remanded the matter to the Assessing Authority, whereby, the Assessing Authority is required to verify the claim of the stock transfer made by the petitioner. Learned counsel for the petitioner prayed that the bank guarantee dated 12.12.2014, be ordered to be released. It was not disputed by the learned State counsel that since the matter has been remanded for fresh decision, the bank guarantee shall not be operational any longer.

4. In view of the above, learned counsel for the petitioner states that the present writ petition has been rendered infructuous and may be disposed of as such.

5. Ordered accordingly.

(AJAY KUMAR MITTAL)
JUDGE

(RAMENDRA JAIN)
JUDGE

December 09, 2015

J.Ram