IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4400 of 2016

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1. Rajeev Kumar Singh Son of Ranjeet Singh, Resident of Mohalla - Bodhwan Talab, Jamui, P.S. - Town Jamui, District - Jamui.
2. Adhik Yadav, Son of Bharat Yadav, Resident of Village - Dumarkola, P.S. - Khaira, District - Jamui.
3. Nageshwar Singh, Son of Pavitra Singh, Resident of Village - Parsa, P.S. - Khaira, District - Jamui.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Commissioner, Sales Tax, Bihar, Patna.
3. The Divisional Commissioner, Sales Tax, Bihar, Patna.
4. The Inspector, Sales Tax, Jamui.
5. The Commissioner, Excise, Bihar, Patna.
6. The Divisional Commissioner, Excise, Bihar, Patna.
7. The District Excise Officer, Jamui.
8. The Excise Inspector, Jamui
9. The Chairma, Bihar State Beverages Corporation Ltd. Bihar, Patna.
10. The Managing Director, Bihar State Beverages Corporation, Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Satya Prakash Parasar
For the Respondent/s : Mr. Vikash Kumar, A.C. to PAAg

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA
and
HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA)

9 05-07-2016 Heard learned counsel for the petitioners and learned counsel for the State.

The writ application has been filed for quashing the notice dated 23.06.2015, by which petitioner No.1 was directed to deposit the fine of Rs.2,66,416/- and also for certain other directions. During the pendency of the application, the matter was looked into by the respondent authorities and by order dated 31.05.2016 passed by the Commercial Taxes Officer, Jamui Circle, Jamui under Section 76 of the Bihar Value Added Tax Act, 2005, the review of the earlier order was made and a fresh order has been passed. The said order is not under challenge before us.

It is submitted by learned counsel for the State that the writ application has become infructuous, as the impugned order itself has been reviewed by order dated 31.05.2016 and after review, the order has been passed against which the petitioner has statutory remedy available.

Faced with the aforesaid situation, learned counsel for the petitioners seeks permission to withdraw the writ application with liberty to challenge the order dated 31.05.2016 passed under Section 76 of the Bihar VAT Act, 2005.

The writ application is, accordingly, dismissed as withdrawn with the aforesaid liberty.

(Ramesh Kumar Datta, J)

V.P.Sinha/-

(Sudhir Singh, J)

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