

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

Writ Petition No.4440 of 2003

New Wonderland Video Games Parlor, Akola and 4 others.

Vs.

The State of Maharashtra and 2 others.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's Orders.

Court's or Judge's orders.

**CORAM : B.P. DHARMADHIKARI &
P.N. DESHMUKH, JJ.**

DATE : 7th April, 2016.

None for petitioner. There was no appearance for petitioner on 18.1.2016, 23.3.2016 and thereafter on 1.4.2016.

Advocate Rane, learned AGP points out that in W.P. No. 4431/03 identical challenge was raised and same advocate was representing the petitioner. That writ petition came to be dismissed in default on 18.1.2007 and it has not been restored thereafter till date. Inviting attention to interim order passed on 17.11.2003 in present matter, she submits that same orders were also operating in W.P. No.4431/2003.

While recovery was not stayed, respondents government in W.P. No. 4440/2003 (present matter) recovered entertainment duty in

accordance with the provisions of Section 3(1)(A) of the Bombay Entertainment Duty Act 1923. She points out that validity of said section is questioned in the present petition. However, recovery is already over. Communication of Resident Deputy Collector, Akola to Assistant Government pleader dated 4.4.2016 with copies of challan is taken on record as Exhibit 'X'.

In view of these developments, we dispose of W.P.No. 4440/2003 as infructuous. Rule discharged. No costs.

JUDGE

JUDGE

Hirekhan