

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

**CWP No. 2397 of 2016 (O&M)
Decided on : 05.02.2016.**

M/s RPS Infrastructure Ltd., Faridabad . . . Appellant

Versus

The State of Haryana and others . . . Respondent

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MRS. JUSTICE RAJ RAHUL GARG**

PRESENT: Mr. Rajiv Agnihotri, Advocate
for the petitioner.

AJAY KUMAR MITTAL, J. (Oral)

The challenge in this writ petition filed under Articles 226/227 of the Constitution of India, is to the impugned order dated 01.09.2015 (Annexure P3) passed by respondent No.3 i.e. Deputy Excise & Taxation Commissioner-cum-Revisional Authority, Faridabad (East) as being without jurisdiction.

2. It was not disputed that the impugned order (Annexure P3) is an appealable order and the appeal is maintainable before the Haryana VAT Tribunal.

3. After arguing for sometime, learned counsel for the petitioner submitted that he may be allowed to withdraw the present writ petition with liberty to file an appeal before the Tribunal.

4. Dismissed as withdrawn. It shall, however, be open to the petitioner to take recourse to the remedies as may be available to it, in accordance with law.

**(AJAY KUMAR MITTAL)
JUDGE**

**(RAJ RAHUL GARG)
JUDGE**

February 05, 2016

smriti