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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No.1587 of 2016**

M/s Holostik India Limited C 117, Sector 2, Nodia 201301 U.P. India Through Its Director Mr. Ritesh Rupramka S/o Late Shri Shiv Kumar Rupramka, Aged About 42 Years, R/o A 37, Sector 17, Nodia P.S. Gautam Budh Nagar, Post Nodia, Tehsil Nodia, District Gautam Budh Nagar Uttar Pradesh,

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Excise Department Mantralaya Mahanadi Bhawan Naya Raipur District Raipur Chhattisgarh
2. Excise Commissioner, Chhattisgarh Aabkari Bhawan Chhokara Nala Labhandi Raipur, District Raipur Chhattisgarh
3. M/s Montage Enterprises Private Limited, C 53, Shashi Garden Mayur Vihar Phase I, Near Pocket V, Gurudwara New Delhi India Pin Code 110091 Through Its Director,
4. M/s Uflex Limited, Nodia Throug Its Director, Regd, Office 305, 3rd Floor Bhanot Corner Pamposh Enclave, Greater Kailash - I, New Delhi 110040 India

-----Respondents

For Petitioner:	Shri Dr NK. Shukla, Senior Advocate along with Shri Vinay Pandey, Advocate.
For Respondent Nos.1& 2/State:	Shri JK Gilda, Advocate General along with Shri YS Thakur, Deputy Advocate General.
For Respondent No.3:	Shri V. Shekhar, Senior Advocate along with Shri Ankit Sinhal, Shri Arun Sinha & SK. Ratre, Advocates.

Hon'ble The Chief Justice**Hon'ble Shri Justice Sanjay Agrawal****Order on Board****Per Deepak Gupta, Chief Justice****9/2/2017**

1. After the matter was heard for sometime, Dr. Shukla, on instructions of Shri Chinmoy Choudhary, Advocate, submits that he may be permitted to withdraw this Petition with liberty to file a fresh Petition.
2. We had heard the matter at length. We were not agreeing with Dr. Shukla, learned Senior Advocate on the issues raised in this Petition.

3. Therefore, we cannot permit him to raise these issues in a subsequent Petition. However, we may point out that Dr. Shukla has argued that this is a case of legal malice and in this regard, he has relied upon the document Annexure R-2. This document was attached with the reply but no effort was made to challenge this by filing an amended Petition. We therefore, while permitting Dr. Shukla to withdraw this Petition, make it clear that though new Petition may be filed, the Petitioner shall not be entitled to take the grounds raised in this Petition because on merits we do not agree on the same. The Petitioner may however raise their grounds on the basis of Annexure R-2. We make it clear that the Respondents shall be at liberty to raise all grounds available to them under law while resisting the fresh Petition.

3. In view of above, the instant Petition is dismissed as withdrawn with the aforesaid liberty.

Sd/-
(Deepak Gupta)
CHIEF JUSTICE

Sd/-
(Sanjay Agrawal)
JUDGE