

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

114

**Civil Writ Petition No.26362 of 2017
Date of decision: November 20, 2017**

HMT Ltd.

....Petitioner

versus

State of Haryana and another

....Respondents

***CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE AMIT RAWAL***

Present: Mr. Pankaj Jain, Sr. Advocate with
Mr. Sachin Bhardwaj, Advocate for the petitioner.

AJAY KUMAR MITTAL, J. (Oral)

1. The prayer in this petition filed under Articles 226/227 of the Constitution of India is for issuance of a writ in the nature of certiorari for striking down and declaring the Haryana Local Area Development Tax Ordinance, 2000 (Annexure P-1) (for short, 'the Ordinance') dated 05.05.2000 as unconstitutional, strike down Section 3 of the Ordinance (Annexure P-2) dated 05.05.2000 as unconstitutional since pursuant to the decision of the Constitutional Bench the provisions of the Haryana Local Area Development Tax Rules, 2000 (Annexure P-3) dated 05.05.2000 and Haryana Local Area Development Tax Act & Rules, 2000 (Annexure P-4), dated

27.07.2000 (Annexure P-5) dated 19.09.2000 have been held to not having complied with the Articles 301, 304(a) or (b) of the Constitution. Further prayer has also been made to direct for adjustment/granting of the refund of the already collected tax amounting to ₹ 7,44,21,246/- (Annexure P-11).

2. After arguing for sometime, learned counsel for the petitioner submitted that inadvertently some typographical mistakes have arisen in the prayer clause and certain material has been missed from being appended in the present writ petition. Accordingly, a prayer was made that he may be allowed to withdraw the present writ petition with liberty to the petitioner to file a fresh writ petition on the same cause of action by incorporating correct and better particulars and making proper prayers.

3. Dismissed as withdrawn with liberty as prayed for.

(AJAY KUMAR MITTAL)
JUDGE

(AMIT RAWAL)
JUDGE

November 20, 2017
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Whether speaking/reasoned?

Yes/No

Whether reportable?

Yes/No