

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1049 of 2018

In
Civil Writ Jurisdiction Case No.4051 of 2018

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M/s Riga Sugar Co. Ltd., Distillery Division, having registered office at 14 Netaji Subhash Road, Kolkata- 700001 and having Distillery Plant at Riga, District- Sitamarhi, Bihar through its Chief General Manager, Dr. Sukhbir Singh Mallik, Son of Bijpal Singh, Resident of Riga Sugar Mill Colony, District- Sitamarhi, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Finance Department, Government of Bihar, Patna.
2. The Principal Secretary, Finance Department, Government of Bihar, Patna.
3. The Commercial Tax Tribunal, through its Commissioner & Secretary, Vikas Bhawan, Bailey Road, Patna- 800001.
4. The Deputy Commissioner of Commercial Taxes, Sitamarhi Circle, Sitamarhi.
5. The Joint Commissioner of Commercial Taxes (Appeal) Tirhut & Saran Division, Muzaffarpur.
6. The Assistant Commissioner of Commercial Taxes, Sitamarhi Circle, Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashish Giri, Advocate
For the Respondent/s : Mr. Ajay Kumar Rastogi - AAG 10

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 10-04-2018 Having heard learned counsel for the parties, we find that C.W.J.C. No. 4051 of 2018 was disposed of on 14.03.2018 granting liberty to the petitioner to file an appropriate appeal before the statutory Tribunal, namely, the Bihar State Commercial Tax Tribunal. However, it is reported that in all other cases heard on the same day i.e. on 14.03.2018 in C.W.J.C. No. 4094 of 2018 and other cases i.e. C.W.J.C. No.



3919 of 2018 etc. appeal was already pending and this Court directed for deciding the pending appeal and till then coercive action was prohibited. It was pointed out that in this case also inadvertently due to an error the counsel could not point out the correct fact with regard to the appeal already been filed and pending before the Tribunal and a copy of the memorandum of appeal is filed along with this application as Annexure-3.

Keeping in view the aforesaid, the order passed on 14.03.2018 in C.W.J.C. No. 4051 of 2018 is modified to the extent that in case the appeal filed by the petitioner is already pending, the learned Tribunal shall dispose it of in accordance to the directions already issued on 14.03.2018 in connected cases C.W.J.C. No. 4094 of 2018 and C.W.J.C. No. 3919 of 2018 and other cases and the interim protection granted in these cases shall be applicable in the present case also.

With the aforesaid modification, the application stands disposed of.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

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