

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2180 of 2018

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Carlsberg India Private Ltd., having its Office at Raghunathpur Bikram, P.O. Raghunathpur P.S. Rani Talab District-Patna through its authorized Signatory, Raghvendra Singh Parihar Son of Sri. Mahendra Singh Parihar, Resident of RTIA, 302 Orchid Avenue, Omaxe Palm Greens, Sector Mu, Greater Noida P.O. Ghodi Bachheda, P.S. Dadri, Uttar Pradesh.

... .. Petitioner/s

Versus

1. The State of Bihar through the Commissioner of Commercial Taxes having its Office at Vikas Bhawan, Bailey Road, Patna.
2. Dy. Commissioner of Commercial Taxes, (In Charge) Danapur Circle, Danapur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. D.V.Pathy Mr Sadashiv Tiwari
For the Respondent/s	:	Mr. Vikas Kumar, SC 11

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

2 07-02-2018 Heard learned counsel for the petitioner and learned counsel for the State.

Keeping in mind that the 1st appellate authority is not available and is on leave till 14th of February, 2018 and the appeal of the present petitioner is fixed for 15th of February, 2018, it will be inequitable to enforce the demand before opportunity is given to the petitioner to press his appeal.

The Court is further informed that 30% of the demand has already been deposited as a prerequisite to the appeal, a fact not



disputed.

In view of the same, the notice of demand dated 30.01.2018 issued by the Deputy Commissioner of Commercial Taxes (Incharge), Danapur Circle, Danapur contained in Annexure- 5 to the writ application, will not be enforced till 14th of February, 2018. The decision, which will be taken by the appellate authority on 15.02.2018 or thereafter, will govern the case.

Writ stands disposed off in terms of the above.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

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