

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5429 of 2018

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1. M/s Rameshwar Juet Mills having its factory unit at P.O. Navranga. Muktapur, Samastipur through its proprietor M/S Winsome International Ltd. Having its registered office at 16A Bradourn Road Kolkatta, Represented by Director namely Ashish Bhiwaniwala, son of Sri Purshottam Kumar Bhiwaniwala, Resident of CG-21, Saltlake City Near H.D.F.C. Bank, Sector- 2, Sech Bhawan, P.S. Bindhannager North, District- North 24 Praganas, Kolkata 7000091 (West Bengal).

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary cum Commissioner, Department of Commercial Taxes Govt. of Bihar, New Secretariat, Patna.
2. The Joint Commissioner of Commercial Taxes (Appeals), Darbhanga Division, Darbhanga.
3. The Dy. Commissioner of Commercial Taxes Commercial Taxes Circle, Samastipur.
4. The Assistant Commissioner of Commercial Taxes, Samastipur Circle, Samastipur.
5. The Bihar State Food & Civil Supplies Corporation Pvt. Ltd. through Managing Director, Bihar State Food & Civil Supplies Corporation Pvt. Ltd, R- Block, Patna.

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Gutam Kumar Kejriwal,
Mr. Mohit Agarwal and
Mr. Sanjay Kumar, Advocates.

For the Respondent-State: Mr. Vikash Kumar, SC 11and
Mr. Anil Kumar Sinha, GA 1

For the B.S.F.C.: Mr. Shailendra Kumar Singh, Advocate.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 04-04-2018

Having heard learned counsel for the parties, we dispose
of the matter with the following directions:-

Respondent no. 5, the Bihar State Food & Civil Supplies
Corporation Pvt. Ltd. shall retain a sum of Rs. 1,48,14,695/- from the
bills payable to the petitioner and, after retaining the said amount till



clearance of the Commercial Taxes Department shall, process the bills of the petitioner in accordance with the terms and conditions of the agreement and shall be free to pay the admitted claims of the petitioner in accordance with the agreement and any other dispute with regard to settlement of the bills shall be dealt with by the parties independently in accordance with law.

As far as issuance of certified copy of the order to the petitioner is concerned, Sri Vikas Kumar, learned counsel for the State, submits that the appellant or his representative may appear before the office of the competent authority along with a certified copy of this order and on depositing requisite fee, a copy of the order shall be supplied to him during the course of the day.

On the same being done, the petitioner shall be at liberty to file an appeal before the statutory Appellate Authority and the question of attachment or payment of Rs. 1,48,14,695/- shall be subject to the order that may be passed by the Appellate Authority.

With the aforesaid the petition stands disposed of.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

Dilip, AR

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	06.04.2018
Transmission Date	N/A

