IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No.6674 of 2005 (O&M)
Date of decision:17.09.2018

Modern Food Industries India Limited
(now known as Hindustan Unilever Ltd.)
... Petitioner

Vs.

State of Haryana and others ... Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Sandeep Goyal, Advocate, for the petitioner.

Ms. Mamta Singla Talwar, Deputy Advocate General, Haryana.

Rajesh Bindal, J.

Prayer in the application is for permission to withdraw the writ petition with liberty to approach the Appellate Authority namely the Haryana Tax Tribunal by filing an appeal pertaining to the years 2000-2001 whereas appeals for the assessment years 1995-1996 to 1999 to 2000 had already been filed before the then Appellate Authority but now have been transferred to the Haryana Tax Tribunal. The appeals already filed are still pending for adjudication.

Learned counsel for the applicant-petitioner further submitted that as the petitioner had filed writ petition directly in this Court challenging the assessment order for the year 2000-01, he may be given certain time to file the appeal before the Tribunal permitting him to withdraw the present writ petition.

Learned counsel for the State does not have any objection to the prayer of the applicant/petitioner being granted.

Civil Misc. Application is allowed. The main writ petition which is already admitted is taken on board and the applicant/petitioner is permitted to withdraw the writ petition with liberty to file the appeal against the assessment order for the year 2000-01 before the Tribunal. As the writ petition remained pending in this Court, it is directed that in case the appeal is filed on or before 05.10.2018, the same shall not be dismissed only on the ground of delay and shall be considered on merits subject to compliance of any other pre-condition.

As during the pendency of writ petition, certain interim directions were issued in favour of the petitioner, the same shall continue in case the petitioner files appeal on or before 05.10.2018, till the decision of any application for interim relief filed before the Tribunal. Thereafter, the parties shall abide by any interim order passed by the Tribunal. The Tribunal shall not be influenced with the fact that during the pendency of the writ petition interim stay was granted. The matter shall be examined on its own merits.

(Rajesh Bindal)
Judge

17.09.2018 (Amit Rawal)
savita Judge
Whether Speaking/Reasoned Yes/No
Whether Reportable Yes/No