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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
**CIVIL APPLICATION NO.2175 OF 2018 IN
WRIT PETITION NO.12613 OF 2017**

Lokmangal Sugar Ethanol &
Co-generation Industries Ltd. ...Applicant
vs.
Deputy Commissioner of Sales
Tax (SCPT) & others ...Respondents

ALONG WITH
**CIVIL APPLICATION NO.2176 OF 2018 IN
WRIT PETITION NO.12615 OF 2017**

Lokmangal Sugar Ethanol &
Co-generation Industries Ltd. ...Applicant
vs.
Deputy Commissioner of Sales
Tax (SCPT) & others ...Respondents

Mr.Darius Shroff, Senior Counsel a/w Mr.Sumit
Raghani I/b Agrud Partners for the applicant
Mr.V.A.Sonpal, Special Counsel a/w Mr.Y.S.Khochare,
AGP for the respondent Nos.1 to 3 and 6 to 8.
Mr.Rahul Sinha I/b DSK Legal for respondent No.5

CORAM : A.S.OKA, &
M.S.SANKLECHA, JJ.
DATE : APRIL 11, 2019

P.C.:

1 Heard the learned senior counsel for the
applicant. The prayer in these Civil Applications
taken out in admitted Writ Petitions is for interim
relief. Interim relief is sought on the basis of
the notice of recovery which is annexed as Exhibit-A

to the applications. Notice of recovery is issued on the basis of the orders which are impugned in the Writ Petitions. On 9th January 2018, Writ Petitions were admitted for final hearing. Clause 3 of the order dated 9th January 2018 reads thus:

“In the peculiar facts and circumstances of this case and when the revision petition is dismissed, no interim relief.”

2 Perusal of both the petitions will show that there was a specific interim relief claimed for stay of coercive action of recovery on the basis of the impugned orders. Clause 3 of the order dated 9th January 2018 shows that the prayer for interim relief was rejected on merits. Now, the notices which are at Exhibit-A have been issued only for implementation of the impugned orders in respect of which interim relief was sought and was denied. Only on this ground, we are unable to entertain the Civil Applications and the same are rejected.

3 The learned senior counsel appearing for the applicant states that the representations have been made by the applicant to the State Government. We direct the applicant to supply copies of the representations to the learned AGP who represents the respondents. If the said representations are still pending, the State Government shall take appropriate decision thereon within a period of one month from today. If the decision is already taken,

the same shall be forthwith communicated to the applicant.

(M.S.SANKLECHA,J.)

(A.S.OKA,J.)