# IN THE HIGH COURT OF JUDICATURE AT PATNA
**Civil Writ Jurisdiction Case No.10742 of 2019**

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Carlsberg India Private Limited having registered Office at 4th Floor, Rectangle No.1, Commercial Complex, D4, Saket, New Delhi 110017 and Corporate Office at 3rd Floor, Tower A, Paras Twin Towers, Sector 54, Guraon 122 002, Haryana-through its Manager, Legal Shashank Joshi, aged about 38 years, Son of Sri Suresh Joshi, resident of Shiv Nagar Colony, P.S. City, Police Station, District-Bhiwani/ Haryana.

... ... Petitioner

Versus

1. The State of Bihar through the Principal secretary, Department of Commercial Taxes, Government of Bihar, Patna.
2. The Commissioner, Commercial Taxes, Bihar, Patna.
3. The Deputy Commissioner of Commercial Taxes, Danapur Circle, District Patna.
4. The principal Secretary, Department of Industries, Government of Bihar, Patna.
5. The Director of Industries, Department of Industries, Government of Bihar, Patna.

... ... Respondents

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**Appearance :**

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| For the Petitioner | : | Mr.Satyabir Bharti, Advocate |
| For the Respondents | : | Mr.Vikash Kumar (SC11) |

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**CORAM: HONOURABLE THE CHIEF JUSTICE**
**and**
**HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**

**ORAL JUDGMENT**
**(Per: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH)**

**Date : 16-12-2020**

Heard Mr. Satyabir Bharti, learned counsel for the petitioner and Mr.Vikash Kumar, learned Standing Counsel 11 representing the State.

**2.** Writ petition has been preferred for the following reliefs:-

(i) Issuance of a writ in the nature of mandamus directing the respondents to release and make payment of a sum of Rs.5,79,31,763/- being the VAT Reimbursement amount, payable to the petitioner under the Bihar Industrial Incentive Policy, 2011, which despite having accrued and payable to the petitioner, has been withheld, without any just and reasonable cause;

(ii) To direct the respondents to pay interest @ 18% per annum from the date the aforesaid incentive/subsidy, became due and payable to the petitioner under the Bihar Industrial Incentive Policy, 2011;

(iii) To pass such other order(s) as Your Lordship may deem fit and proper in the facts and circumstance of the present case.

**3.** At the outset, learned counsel for the petitioner submits that during pendency of the writ petition, petitioner's claim for VAT Reimbursement, has been rejected by the Director, Industries, Government of Bihar, Patna (respondent no.5) under Letter No.4514 dated 12.12.2018 on the ground that the Unit is closed, and in that view of the matter, he seeks permission to withdraw the writ petition, with liberty to challenge Letter No.4514 dated 12.12.2018, in a separate writ petition. It is also the submission of the learned counsel that respondents may be directed to supply the petitioner a copy of the order on the basis of which his claim for VAT reimbursement has been rejected, within a period of four weeks from today.

**4.** Learned counsel for the State submits that he would be serving a copy of the order in question to learned counsel for the petitioner within the said stipulated period.

**5.** In view of the submission of learned counsel for the petitioner, instant writ petition is disposed of with liberty to the petitioner to file fresh writ petition.

**(Sanjay Karol, CJ)**

**(Prabhat Kumar Singh, J)**

Shashi

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| **AFR/NAFR** | NAFR |
| **CAV DATE** | NA |
| **Uploading Date** | 22.12.2020 |
| **Transmission Date** | |