IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12499 of 2018

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M/s Hanumanjee Modern Rice Mill, Village-Khatiba, P.O. Itadhi, District-Buxar, through one of its partner Sri Surendra pathak, Son of late Kashi Nath Pathak, Resident of Village- Siktowna, P.S.- Itadhi, P.O. Atrouna, District-Buxar, Presently R/o Civil Line, Badi Bazar, near Chhoti Masjid, Buxar.

... ... Petitioner/s

Versus

1. The State of Bihar, through the Commissioner, Commercial Taxes, Bihar, Vikas Bhawan, Bailey Road, Patna.
2. The Joint Commissioner, Commercial Taxes, Adm, West Division, Patna.

... ... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Pathak, Adv.
For the Respondent/s	:	Mr. Vikash Kumar, SC-11

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
and
HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH)

3 19-02-2020 Mr. Ashok Kumar Pathak, learned counsel for the petitioner, having A.O.R. No. 03068 seeks permission to withdraw the present application, which has been filed for the following relief as stipulated in paragraph no.1 of the petition, which reads as follows:-

"1(I) To quash the order dated 14.05.2018 passed by the Respondent No. 2 the Joint Commissioner, Commercial Taxes, (Adm), West Division Patna has been pleased to reject the application dated 12.08.2016 which has been restored by this Honorable Court and Form in SET-1 for settlement of tax dispute under the "Bihar Settlement of Taxation Disputes Act, 2016" (herein referred to as Act) filed in prescribed format of the scheme and SET-I filed by the petitioner on 14/05/2018 to be in direct violation of the intention and spirit of the Order dated 08/03/18 passed in the CWJC No. 3215 of 2018 and provision of section 5 without giving opportunity to the petitioner u/s 5 to take necessary action if any.

(II) To direct the respondent no.2 to consider and accept the fresh application already filed in prescribed format SET-I as declaration Forms as prescribed under section 5 of the Act, 2016 in accordance with the provisions of the said Act, which was effective from 07.04.2016 up to 06.10.2016 during which period petitioner has taken settlement of tax relating to the period 1988-99 till 2001-2002 under Bihar Finance Act, 1981 and Central Sales Tax, 1956, against which the revision cases were pending before the Commercial Taxes Tribunal during the period scheme was effective allow the petitioner to make required correction if any in prescribed form SET-I filed in the ligh and spirit of the Order of the honorable court dated 08/03/18.

(III) For issuance of writ(s), order(s), direction(s) as this Hon'ble Court deem fit and proper in the facts and circumstances of this case."

Permission is accorded.

Accordingly, the instant application is dismissed as withdrawn.

(Dinesh Kumar Singh, J)

(Anil Kumar Sinha, J)

Amrendra/-

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