

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15803 of 2008

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M/S NICCO CORPORATION LTD. 'Nicco House' 2 Hare Street, Kolkata
through its Vice President- Corporate Affairs & Legal, Mr. Kartick Kumar
Chatterjee, son of Late Ajit Chatterjee resident of P-212 C.I.T.Road, Scheme
IV M, Kolkata 700010

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR through the Commissioner-cum-Secretary of
Commercial Taxes, Bihar, Vikash Bhawan, Bailey Road, Patna
2. The Commissioner-cum-Secretary, Finance Department, Govt. of Bihar,
Secretariat, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : None

For the Respondent/s : Mr. Vikash Kumar, S.C. 11

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 27-08-2020



Petitioner has prayed for the following relief(s):

“For a declaration or any other appropriate writ direction or order under Article 226 of the Constitution of India declaring that Section 3 of the Bihar Tax on Entry of Goods into Local Areas for consumption, use or sale therein Act, 1993 as amended by Amendment Act 2006 in unconstitutional and beyond legislative competence of the Stte and is violative of Article 301 and 304 (a) not being saved by Article 304(b) and liable to be declared void and un enforceable.”

We notice that despite repeated calls and prior intimation none has entered appearance on behalf of the petitioner. Matter was filed in the year 2008.

Shri Vikash Kumar, learned Standing Counsel No. XI states that the present petition has become infructuous, inasmuch as issue raised in the present petition is no longer res integra and stands decided by the Hon’ble Apex Court in the case of **Jindal Stainless Ltd. & Anr. Vs. State of Haryana & Ors.**, reported in **(2017) 12 SCC 1**.

Statement is accepted and taken on record.

As such, the present petition is disposed of, reserving liberty to the petitioner to agitate the surviving grievance, if any on the same and subsequent cause of action, if so required and



desired in accordance with law.

Equally, it shall be open for the writ-petitioner to initiate appropriate proceeding before the appropriate forum in accordance with law.

Interlocutory Application, if any, shall stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

P.K.P./-

AFR/NAFR	
CAV DATE	
Uploading Date	27.08.2020
Transmission Date	

