

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17029 of 2018

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M/s Bokaro Carrying Corporation, Samastipur through its Manager Binay Kumar Mishra, son of Late Sri Satyanarain Mishra aged about 49 years, Resident of Village/ Mohalla- Jagdishpuri Lane Musahri, Muzaffarpur, P.O. Ramna, P.S. Mithanpura, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State Of Bihar through Commissioner Commercial Taxes
2. Chairman Commercial Taxes Tribunal Judges Court Road Patna, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prakash Sahay, Advocate
For the Respondent/s : Mr. Vikash Kumar- SC11

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 22-12-2020

Heard the parties.

Petitioner has prayed for following relief:-

“For issuance of an appropriate writ / writs, order/ orders, direction/directions towards quashing of the order marked as Annexure 1 to the petition and direction may be given to allow the petitioner and dispose of the petition after giving proper opportunity to the petitioner.”

This writ petition has been filed for setting aside the order dated 11.6.2018 passed by Commercial Tax, Tribunal, Bihar in case No. Rest – Pet-PT-01/2018 by which the restoration petition filed by petitioner has been dismissed on account of non-appearance of the counsel for the petitioner.

It appears from the order that original case was filed on 13.11.2014 which was dismissed for default on 29.08.2016 on



the ground of non-appearance of counsel for the appellant. The restoration petition was filed on 1.2.2018 and on 11.6.2018, when the restoration petition was called, there was no representation on behalf of applicant, accordingly, the restoration petition was dismissed for default by order as impugned against which present writ petition has been filed.

After hearing learned counsel for the parties and reasons assigned therein for non-appearance of the counsel on behalf of applicant on 11.6.2018 resulting in dismissal of restoration petition, in the interest of justice, the impugned order dated 11.6.2018 is set aside and the tribunal shall hear restoration petition afresh and pass appropriate order after giving opportunity of hearing to both the parties.

The writ petition is allowed.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.01.2021
Transmission Date	NA

