

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7575 of 2021

M/s Prakash Constructions, through its Partner, Sri Chandra Prakash, an adult male, aged about 48 years, son of Sri Markanday Singh, Having its registered office at N/C-5, Gayatri Mandir Road, Markandey Complex, Sampatchak, Lohia Nagar, Police Station- Kankarbagh, District- Patna, Bihar-800020

... .. Petitioner/s

Versus

1. The State of Bihar through the Commissioner of State Tax, Patna
2. The Joint Commissioner of State Tax, Patna South Circle, Patna West Division, 3rd Floor, Kautilya Bhawan, Patna, Bihar
3. The Additional Commissioner of State Tax, Patna South Circle, Patna, Bihar
4. The Assistant Commissioner of State Tax, Patna South Circle, Patna, Bihar
5. The Senior Accounts Officer, Bihar State Educational Infrastructure Development Corporation Limited, Shiksha Bhawan, 1st Rastra Bhasha, Saidpur, Rajendra Nagar, Patna, Bihar, Pin Code- 800004
6. The Executive Engineer, Building Division, Begusarai, Vir Kubar Singh, Chowk, Suhirdnagar, Begusarai, District- Begusarai, Bihar, Pin Code- 851218
7. The Executive Engineer, Building Division Gopalganj, Block Colony, Hajiyapur Road, Near Circuit House, Gopalganj, District- Gopalganj, Bihar, Pin Code- 841428
8. The Executive Engineer, MCD, CPWD, Muzaffarpur, Earlier PCD II, MSME Building, MSME Campus, Goshala Road, Muzaffarpur, District- Muzaffarpur, Bihar, Pin Code- 842002

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Saket Tiwary, Advocate Mr. Saket Gupta, Advocate
For the Respondent/s	:	Mr.Vikash Kumar, SC 11 Mr. Girijesh Kumar, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 22-07-2021

Petitioner has prayed for the following relief(s):-

“a. Issuance of a writ in the nature of Certiorari to



set aside the order dated 02.02.2021 passed in Appeal bearing reference number ZD100221001302R passed by the Respondent No. 03 by which the appeal preferred by the petitioner has been mechanically rejected on the ground of delay in submission of the appeal.

b. Issuance of a writ in the nature of Certiorari to set aside the order dated 08.03.2020 bearing reference number A100320012415L passed by the Respondent No. 02 against the petitioner for the tax period of the month of November, 2018 *inter alia* declaring the same as illegal and improper.

c. Issuance of a writ in the nature of Certiorari to set aside the order dated 08.03.2020 passed in consolidation for the financial year 2018-19 and 2019-20 respectively by the Respondent No. 02 *inter alia* declaring the same as illegal and improper.

d. An Issuance of a writ in the nature of Certiorari to set aside the order of recovery dated 11.01.2021 passed by the Respondent No. 04 directing the Respondent Nos. 05 to 08 to deduct rs. 9,43,28,306/- (rupees nine crore forty three lacs twenty eight thousand three hundred six only) from the payments to be made to the petitioner.

e. Directions that till the pendency of the writ application the operation of the impugned orders of may be stayed.

f. Direction to the Respondents Authorities (Respondent nos. 01-04) to consider the reply to the show cause notice filed by the petitioner and pass reasoned order on it before making the impugned recovery.

g. Direction to the Respondents Authorities to hear and dispose the appeal on merits filed by the petitioner in expeditious manner and within limited time before making any recovery as the petitioner did not get any chance of hearing/representation before passing of the impugned order of recovery.

h. A Direction to remand the matter to the original adjudicating authority for ascertainment of payment as submitted above.

I. Any other relief or reliefs that the petitioner is entitled to in the facts and circumstances of the case.”

After the matter was heard for some time, learned counsel for the petitioner, under instructions, seeks permission



to withdraw the present petition reserving liberty to file a fresh petition, on the same and subsequent cause of action, if so required and desired.

Permission granted with liberty as prayed for.

As and when any such petition is filed, the same shall be listed on priority basis.

Instant petition stands dismissed as withdrawn in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sujit/Ashwini

AFR/NAFR	
CAV DATE	
Uploading Date	29.07.2021
Transmission Date	

