

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21990 of 2018

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Shree Ram Smokeless Industries, a partnership firm having its office at Village Bhopatpur PO and PS Shirish, Baroon, District Aurangabad through its partner Parmeshwar Prasad son of Late Harihar Prasad, resident of PHED Colony, Sri Krishna Nagar, PO and PS Aurangabad, District Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar, through Commissioner of Commercial Taxes, Bihar, Patna having its office at Vikas Bhawan, Patna
2. The Assistant Commissioner of Commercial Taxes, Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. D.V.Pathy, Advocate
		Mr. Sadashiv Tiwari, Advocate
For the Respondent/s	:	Mr. Vikash Kumar - SC-11

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 06-01-2021

Petitioner has prayed for the following relief(s):

“1(i) For a declaration that the notification S.O 92 dated 25.07.2001 to the extent it levies Entry Tax on coal particularly on small-scale industries granted exemption from payment of Sales Tax on sale as violative of Article 304(a) of the Constitution of India.

(ii) For a direction to the respondent no.2 to refund the amount of Entry Tax paid during the pendency of the writ petition and also the Special Leave Petition with statutory interest thereon.

(iii) For quashing of the order of assessment dated 18.12.2004 passed by the



respondent no.2 for the period 2001-02 under the Bihar Tax on Entry of Goods into Local Area for Consumption, Use or Sale Therein Act, 1993.”

Learned counsel for the petitioner seeks permission to withdraw the present petition reserving liberty to take recourse to such appropriate remedies as are otherwise available in accordance with law as also to file a fresh petition on the same and subsequent cause of action, if the need so arises.

We are sure that as and when such request is made to the authority concerned, the same shall be considered and disposed of expeditiously, also associating the petitioner in taking the remedial measures.

Needless to add, while considering such request, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties.

We have not expressed any opinion on merits. All issues are left open.

The proceedings, during the time of current Pandemic- Covid-19 shall be conducted through digital mode, unless the parties otherwise mutually agree to meet in person i.e. physical mode.

The petition stands disposed of in the aforesaid



terms.

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

(Sanjay Karol, CJ)

(Anjani Kumar Sharan, J)

Amrendra/P.K.P.

AFR/NAFR	
CAV DATE	
Uploading Date	08.01.2021
Transmission Date	

