14.07.2021
p.b.
Sl. No.7.

W.P.A. 2827 of 2019

Oasis Polytraders Private Limited
Vs.
Deputy Commissioner, Commercial Taxes,
Park Street Charge & Ors.

(Via Video Conference)

Mr. Anil Kumar Dugar.
…….for the petitioner.
Mr. A. Ray,
Mr. S. Mukherjee,
Mr. Debasish Ghosh.
…….for the State.

Heard learned advocates appearing for the parties.

The grievance of the petitioner in the writ petition is against sitting over the representation dated 15th January, 2019, made by the petitioner before the Commissioner, Commercial Taxes/respondent no.3 making prayer for adjustment of the amount in question under CST Act, 1956. Details of his grievance will appear from the said representation being Annexure P-6 at page 65 of the writ petition and petitioner submits that his representation should be considered by taking into consideration the Circular dated 6th June, 2018 as appears at page 68 of the writ petition.

Considering the submissions of the parties, this writ petition is disposed of by directing the Commissioner, Commercial Taxes/respondent no.3 to consider and dispose of the aforesaid representation dated 15th January, 2019 in accordance with law and by passing a reasoned and speaking order after giving an opportunity of hearing to the petitioner and or their authorised representatives, within six weeks from the date of communication of this order and to communicate his decision to the petitioner within two weeks thereafter.

Let it be recorded that this Court has not gone into the merits of the case. The respondent no.3 is to consider the case of the petitioner strictly in accordance with law.

The application being W.P.A. 2827 of 2019 is disposed of.

Since no affidavit in opposition has been called for and the writ petition is disposed of without any affidavit, allegations made in the writ petition shall not be deemed to have been admitted by the respondents.

(Md. Nizamuddin, J.)