

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7219 of 2022

=====

M/s UAL Uttar Pradesh having its registered head office at village- Barampur, Tahsil- Kerakal, Police Station- Barampur, District- Jaunpur, Uttar Pradesh 221010 and having its local office at Gita Nilayam, near Ganpati Apartment, Umesh Cinema Road, Police Station- Sadar, Hajipur, District- Vaishali through its authorized representative and Assistant General Manager namely Sunil Kumar Mishra (Male), aged about 61 years, Son of Late Mahesh Chandra Mishra, Resident of Gita Nilayam, near Ganpati Apartment, Umesh Cinema Road, Police Station- Sadar, Hajipur, District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary cum Commissioner, Commercial Taxes Department, New Secretariat, Bailey Road, Patna.
2. The Principal Secretary cum Commissioner, Commercial Taxes Department, New Secretariat, Bailey Road, Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar, Advocate
For the Respondent/s : Mr.Vikash Kumar, SC-11

=====

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 20-06-2022 Petitioner has prayed for the following relief(s):

“i) To issue a Writ in the nature of Mandamus o direction commanding the respondent no. 2 to dispose of the Revision Case bearing no. C.C.(S)-213/2017-18 which is pending since 2017.

ii) To any other relief or reliefs to which the petitioner is entitled in the facts and circumstances of the case.”



After the matter was heard for some time, learned counsel for the petitioner, under instruction, states that the petitioner shall be content, if it is permitted to withdraw the present petition, reserving liberty to take recourse to such other appropriate remedies under the Statute or approach the appropriate forum.

Shri Vikash Kumar, learned SC-11, emphatically prays for rejection of the present petition on the ground that petitioner has not been cooperating before the appropriate authority.

Petitioner undertakes to henceforth fully cooperate in the proceeding before the authority.

Undertaking accepted and taken on record.

As such, petition is disposed of as withdrawn with the following directions/observations:

- (a) Petitioner shall appear before the authority concerned i.e. Respondent No.2, namely The Principal Secretary-Cum-Commissioner, Commercial Taxes Department, Government of Bihar, Patna on 4th of July, 2022;
- (b) The authority concerned shall consider and dispose of the proceeding expeditiously by a



reasoned and speaking order preferably within a period of two months from the date of petitioner presenting himself before him along with a copy of this order;

(c) The order assigning reasons shall be communicated to the petitioner;

(d) Needless to add, while deciding such proceeding, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;

(e) Also, opportunity to place on record all relevant materials/documents shall be granted to the parties;

(f) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;

(g) We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch;

(h) Liberty reserved to the petitioner to approach the appropriate forum/Court, should the need so arise subsequently on the same and subsequent cause of



action;

(i) We have not expressed any opinion on merits. All issues are left open;

(j) 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 as withdrawn in the aforesaid terms.

Interlocutory Application(s), if any, shall stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/DKS

U			
---	--	--	--

