

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11572 of 2019

United Breweries Limited a company registered under the provisions of the Companies Act, 1956 having its registered office at U.B. Towers, U.B. City No. 24, Vittal Mallya Road, Bangalore-560001 and factory at Plot No. A 1, Industrial Area, Kopakala, P.S.-Naubatpur, District-Patna through its Authorized Signatory of Shri Ajay Kumar Singh, Male, aged about 53 years, Son of Late Sarbdeo Singh, Resident of Shail Bhawan, R.M.S. Colony, Kankarbagh, P.S. Kankarbagh, District-Patna

... .. Petitioner/s

Versus

1. The State of Bihar through the Commissioner-cum-Secretary, State Taxes, Bihar, Patna
2. The Joint Commissioner State Tax, Patliputra Circle, Patna
3. The Assistant Commissioner State Tax, Patliputra Circle, Patna
4. The Bihar State Beverage Corporation Limited a Government of Bihar Enterprises, through its Managing Director at 1st Floor, Vidyut Bhawan-II, Jawaharlal Nehru Marg, Patna-800001

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Satyabir Bharti, Advocate
For the Respondent/s : Mr.Lalit Kishore (A.G.)

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

(Per: HONOURABLE THE CHIEF JUSTICE)

13 21-07-2022 This case has been brought under the heading ‘To Be Mentioned’ at the instance of learned counsel for the petitioner, stating that inadvertently in the judgment and order dated 28.06.2022 in second page “*Mr. Vikash Kumar, learned counsel for the State, states that pending adjudication of the instant petition, the appropriate authority has decided the issue of refund vide order dated 05.04.2019 (Page-187, Annexure-15 of*

I.A. No. 1 of 2019 filed in CWJC No. 6519 of 2019), we notice that prior to the passing of the order petitioner could not file response to the show cause notice for reasons as stated in the petition and said order stands passed without hearing the petitioner. We also notice that the liability of Rs. 1.41 Crore has been fastened by the assessing authority on the petition,” has been inadvertently typed as well as in 3rd page date of impugned order “06.03.2019” has been typed as 05.04.2019 as also the date of appearance i.e. 25.07.2022 may be also extended to “08.08.2022”.

In view of the above, in the judgment and order dated 28.06.2022 “ *Mr. Vikash Kumar, learned counsel for the State, states that pending adjudication of the instant petition, the appropriate authority has decided the issue of refund vide order dated 05.04.2019 (Page-187, Annexure-15 of I.A. No. 1 of 2019 filed in CWJC No. 6519 of 2019), we notice that prior to the passing of the order petitioner could not file response to the show cause notice for reasons as stated in the petition and said order stands passed without hearing the petitioner. We also notice that the liability of Rs. 1.41 Crore has been fastened by the assessing authority on the petition,”* stands deleted. And in the 3rd page the date of impugned order shall be read as

“06.03.2019” in place of 05.04.2019 and the date of appearance before the Assessing Authority is extended to **“08.08.2022”**.

The judgment and order dated 28.06.2022 is modified to the extent indicated above only.

(Sanjay Karol, CJ)

(S. Kumar, J)

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