

ORDER SHEET
IA NO. GA/1/2021
In AP/1118/2016
IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE

BRAITHWAITE & CO. LIMITED
Vs
COMMERCIAL ENGINEERS & BODY BUILDERS CO. LTD.

BEFORE:

The Hon'ble JUSTICE RAVI KRISHAN KAPUR

Date : 17TH JANUARY, 2022.

Appearance:
Mr. Subhajit Ghosh, Adv.
..for the petitioner

Mr. Soumitra Mookherjee, Adv.
...for the commercial tax department

Mr. B. Ghosh, Adv.
...for the respondent

The Court : This is an application for withdrawal of AP No. 1118 of 2016. It is submitted on behalf of the parties that liberty be granted to the petitioner to withdraw the application in view of a Settlement by between the parties.

The State is represented and submits that they have no objection to the withdrawal of this application nor to the fact that the parties have entered any Terms of Settlement. However, any such Terms of Settlement should be without prejudice to any claim that the Commercial Tax Department, State of West Bengal may have against the parties.

In view of aforesaid, AP No. 1118 of 2016 is dismissed as withdrawn. It is made clear that the settlement which the parties have arrived at between themselves is without prejudice to any of the rights and contentions of the Commercial Tax Department, State of West Bengal and will not bind the said Department in any manner whatsoever.

Accordingly, GA No. 1 of 2021 and AP No.1118 of 2016 stand disposed of.

(RAVI KRISHAN KAPUR, J.)