

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 5907 of 2010

M/s. Birla Tyres

....

Petitioner

Mr. Sidhartha Ray, Advocate

-versus-

State of Odisha and Others

....

Opposite Parties

Mr. S.S. Padhy, Addl. Standing Counsel

**CORAM:
THE CHIEF JUSTICE
JUSTICE R.K. PATTANAİK**

**ORDER
28.03.2022**

Order No.

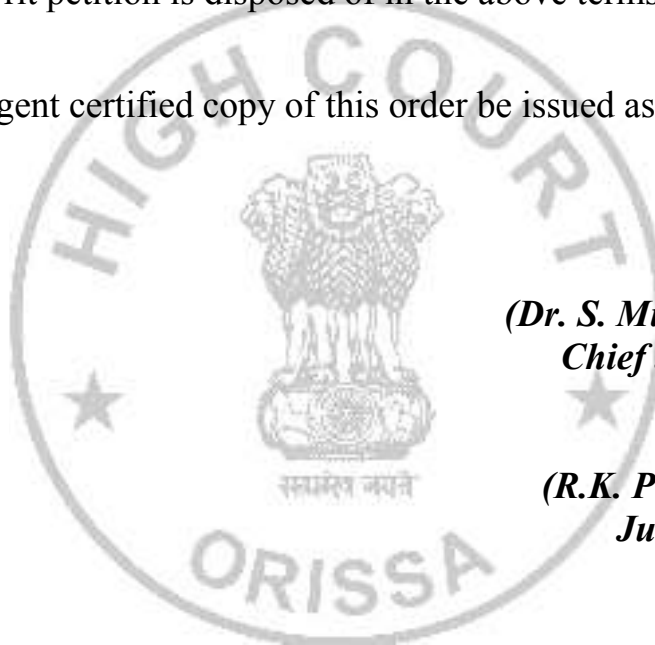
06. 1. Learned counsel for the Petitioner seeks leave to withdraw the present writ petition with liberty to assail the impugned assessment order passed under the Odisha Entry Tax Act, 1999 by way of an appeal.
2. If such an appeal is filed not later than 2nd May, 2022 accompanied by an application for condonation of delay giving the reasons for the delay on account of the pendency of the present petition, it shall be considered on its merit by the Appellate Authority. As regards pre-deposit, since the Petitioner has already complied with an interim order passed by this Court on 14th July, 2010 requiring it to deposit 33 1/3 percent of the tax demand with the Department as a condition for stay, no further amount need be deposited by the Petitioner by way of a pre-deposit for the purposes of the appeal.

3. Annexure-1 being the original assessment order be returned to the Petitioner subject to it being substituted by an attested photocopy thereof.

4. The interim order passed by this Court on 14th July, 2010 will continue to such time the Appellate Authority passes an interim order on an application for interim relief to be filed by the Petitioner along with the appeal.

5. The writ petition is disposed of in the above terms.

6. An urgent certified copy of this order be issued as per rules.



(Dr. S. Muralidhar)
Chief Justice

(R.K. Pattanaik)
Judge

S.K. Jena/P.A.