

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 22221 OF 2022

Deepak Majhi

....

Petitioner

Mr. Biraja Prasanna Das, Advocate

-versus-

State of Odisha and others

....

Opp. Parties

Mr. Swayambhu Mishra,

Additional Standing Counsel

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

02.11.2022

Order No.

- 3.
1. This matter is taken up through hybrid mode.
 2. The Petitioner in this writ petition seeks to assail the order dated 20th August, 2022 (Annexure-6) passed by the Excise Commissioner, Odisha, Cuttack in Excise Appeal No.23 of 2022, whereby he confirmed the order dated 1st June, 2022 (Annexure-5) passed by the Authorized Officer-cum-Superintendent of Excise, Balasore in Excise Case No.165 of 2021 (arising out of PR No.65 of 2021-22).
 3. In course of hearing, Mr. Das, learned counsel for the Petitioner submits that in view of Section 75 of the Odisha Excise Act, 2008 (for short 'the Act'), the Petitioner has remedy to make an application before the Superintendent of Excise, Balasore for compounding of offence and release of his vehicle bearing Registration No.OD-01-AD-8971 (TATA ACE GOLD). He, therefore, prays for withdrawal of the writ petition to move

the Superintendent of Excise, Balasore for compounding of offence.

4. In view of the submission made by learned counsel for the Petitioner, this writ petition is disposed of as withdrawn with an observation that in the event, the Petitioner makes an application under Section 75 of the Act for compounding of offence, the Superintendent of Excise, Balasore shall make an endeavour to consider the said application as expeditiously as possible preferably within a period of two months from the date of filing of the application.

5. It is made clear that this Court has not expressed any opinion on the merits of the case of the Petitioner.

Urgent certified copy of this order be granted on proper application.

(K.R. Mohapatra)
Judge

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