IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P. (C) No. 38465 of 2021

M/s. K. Bheemaraju &Sons, Muniguda, Rayagada .... ***Petitioner***

Mr. J.M. Pattnaik, Advocate

-versus-

The Special Secretary to Government of Odisha, Finance Department, Loka Seva Bhawan, Secretariat & Others .... ***Opposite Parties***

Mr. Sidharth Shankar Padhy, Advocate

CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S. RAMAN

ORDER (Oral)

Order No.	**21.04.2022**
01.	**1.** This matter is taken up by virtual/physical mode. **2.** The Petitioner, an assessee under the OVAT Act, 2004 for the relevant assessment year has sought for quashing the order dated 26th October, 2021 under Annexure-4 and application dated 26th October, 2021 at Annexure-3 filed by the Petitioner before the Sales Tax Officer, CT & GST Assessment Unit, Gunpur Circle, whereby he is requested for issuance of certified copy of the vigilance report, which has been declined. **3.** At the time of hearing, it is conceded that against the aforesaid denial of the request, the Petitioner has already filed a revision before the Additional Commissioner of Commercial Tax and GST, Koraput Range, Jeypore, which is stated to be pending.

That apart, the Petitioner also has a recourse of invoking the provision of the Right to Information Act.

4. It is conceded case that for suppression of the sale during the assessment year from 1st April, 2009 to 8th February, 2016 and the assessment order dated 24th October, 2017 stands passed which has attained finality, as no appeal to date has been filed on 10th November, 2021 after a delay of almost four years. The tax recovery notice based upon the assessment order dated 24th October, 2017 was challenged before this Court and was upheld.

5. In view of the above, counsel for the Petitioner prays for permission to withdraw the writ petition with liberty to the Petitioner to pursue his remedy in accordance with law.

Issue urgent certified copy as per rules.

(Jaswant Singh)
Judge

(M.S. Raman)
Judge

Laxmikant April 21, 2022 Cuttack