

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**WRIT PETITION NO.2864 OF 2019
WITH
INTERIM APPLICATION NO.1803 OF 2022
IN
WRIT PETITION NO.2864 OF 2019**

Ajanta Enterprises

....Petitioner

V/s.

State of Maharashtra and Ors.

....Respondents

Mr. Deepak Bapat a/w. Ms. Sonali Bapat for petitioner.

Mr. A.A. Kumbhakoni, Advocate General a/w. Mr. Vinay Sonpal, Special Counsel and Ms. Jyoti Chavan, AGP for respondents.

**CORAM : K.R. SHRIRAM &
A.S. DOCTOR, JJ.
DATED : 26th JULY 2022**

PC.:-

WRIT PETITION NO.2864 OF 2019

1 The learned Advocate General states that petitioner has challenged the constitutional validity of clause – (b-3) of sub-section 2 of Section 85 of the Maharashtra Value Added Tax Act, 2002. The learned Advocate General states that an affidavit in reply on merits has been filed but respondents would want to file a further affidavit in reply to deal with the constitutional challenge.

2 Further affidavit in reply to be filed and copy served within two weeks from today. Rejoinder, if any, to be filed and copy served within one week thereafter.

3 Petition be listed for admission on 23rd August 2022.

INTERIM APPLICATION NO.1803 OF 2022

4 Mr. Bapat states that sometime in November 2020 the business of petitioner was taken over by an LLP, viz., Ajanta Innovative Solutions LLP, in which petitioner also was a partner alongwith his two sons. Mr. Bapat states that petitioner has died on 18th April 2021 and since it was during the COVID time, he was unable to get proper instructions. Mr. Bapat states that he has filed an interim application in April 2022 to bring the sons of petitioner on record, whereas it should be the Limited Liability Partnership (LLP). We are not commenting on the merits of the application but Mr. Bapat seeks leave of the Court to withdraw the application with liberty to file a fresh application to bring the LLP on record as petitioner.

5 Interim application dismissed as withdrawn with the liberty as prayed for.

(A.S. DOCTOR, J.)

(K.R. SHRIRAM, J.)