

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

MISC. CIVIL APPLICATION NO.577/2022

IN

WRIT PETITION NO.579/2021

State Bank of India Vs. The State of Maharashtra and Ors.

.....
Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders
.....

Court's or Judge's order

Mr. M. Anilkumar, Advocate for the Applicant.
Mrs. Sangita Jachak, AGP for Non-applicant/State.

**CORAM : A. S. CHANDURKAR &
AMIT B. BORKAR, JJ.**

DATED : 30th SEPTEMBER, 2022.

. This is an application to recall order dated 04.08.2021 to the extent of clause (d) of the Operative Part of the judgment as regards recovery of Sales Tax dues from the auction purchaser.

2. From the prayer in the petition and the reply filed by the contesting non-applicants, issue in relation to recovery of Sales Tax dues did not arise and, therefore, in paragraph 18, this Court made it clear that the Court is not adjudicating the rights of respondent No.7 to recover its dues from the auction purchaser.

3. The learned Advocate for the applicant relied on the Full Bench judgment of this Court in the case of *Jalgaon Janta Sahakari Bank Ltd. And Anr. Vs. Joint Commissioner of Sales Tax Nodal 9, Mumbai and Anr.* reported in *2022 LawSuit (Bom) 1315* to urge that the issue of recovery of sales tax amount from auction purchaser is

covered by the said judgment. Since the jurisdictional fact of error apparent on the face of record to entertain review application has not been fulfilled, we do not intend to make any comment of the applicability of the said judgment.

4. No error apparent on the face of record is pointed out. The application is, therefore, rejected.

JUDGE

JUDGE

RGurnule