

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

WRIT PETITION NO. 3549 OF 2021

TRUPTI
SADANAND
BAMNE

Polyrub Extrusions (India) Pvt. Ltd.

... Petitioner

vs.

The State of Maharashtra & Anr.

... Respondents

.....

Mr. Ishaan Patkar with Ms. Chaitali Raul i/b. Ms. Jindagi Shah for
the Petitioner.

Ms. Jyoti Chavan, AGP for the State.

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**CORAM : NITIN JAMDAR &
ABHAY AHUJA, JJ.**

DATE : 30 JANUARY 2023

P.C. :-

On 24 January 2023, the following order came to be passed :

“1. Heard learned counsel for the parties.

2. The Petitioner has challenged the assessment orders dated 31 March 2020 and 3 August 2020. The reason given in the impugned orders is that no inter-se cross-check report was received in respect of the CST form and therefore, the claim of the Petitioner in F, I and H forms are disallowed.

3. The learned AGP states that instructions have been received from Mr. Sanjay Nikam, the Joint Commissioner of State Tax (F- 101) Nodal Division 12, Mumbai that upon cross-checking it was noticed that forms F and I have been received and found to be positive and therefore, there was no objection to give another opportunity of hearing to the Petitioner.

4. If that be the stand taken by the Respondents admitting that there was error on their part, for taking remedial action as regards withdrawing the impugned orders and issuing the communication for fresh hearing, stand over to 30 January 2023, to be listed under the caption “For Directions.”

2. The learned AGP states that remedial action in rectifying the mistake is being taken as stated in the notice issued on 24 January 2023 whereupon the Petitioner is called to put forth Petitioner’s proposed rectification. The learned Counsel for the Petitioner states that apart from this rectification, there are various other grounds for challenging the impugned order and the petition need not be restricted to the aspect of rectification alone.

3. However, since rectification is being proposed by the Respondents, we do not find it necessary to go into the controversy at present.

4. The writ petition is disposed of.

5. In case the order passed by the Respondents is adverse to the Petitioner, it is open to the Petitioner to challenge the same as per law, including on all the grounds taken in this petition.

ABHAY AHUJA, J.

NITIN JAMDAR, J.