

08.01.2024
PB
Sl. No.1.

WPA 25121 of 2023
With
CAN 1 of 2023

Enkebee Infratech India Pvt. Ltd.
Vs
The Commissioner of State Tax, & Ors.

Mr. Atish Dipankar Ray,
Mr. Soumyajit Mishra.
... For the Petitioner.
Mr. A. Ray,
Mr. T. M. Siddiqui,
Mr. T. Chakraborty.
Mr. S. Sanyal.
.....for the State.

Heard learned advocates appearing for the parties.

By this writ petition, petitioner has challenged the impugned adjudication order dated 27th July, 2023, which is an appellable order under the statute. I have perused the aforesaid impugned adjudication order which was passed after affording opportunity of hearing to the petitioner which the petitioner itself opted for not to avail. Further on perusal of the aforesaid impugned adjudication order, I find that the same is reasoned and speaking order and after dealing with the objection of the petitioner to the show-cause notice which was issued before passing the impugned adjudication order and on perusal of the aforesaid

impugned adjudication order, I find that the same is neither non-speaking nor in violation of principle of natural justice nor it is without jurisdiction nor it is contrary to any specific provision of law and since the impugned adjudication order is an appellable order, I am of the considered view that this is not a case which falls within the exception to exercise constitutional writ jurisdiction under Article 226 of the Constitution of India in spite of availability of alternative remedy.

Accordingly, this writ petition being WPA 25121 of 2023 and the application being CAN 1 of 2023 are dismissed.

(Md. Nizamuddin, J.)