

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.4071 OF 2024

Prestige Alcobev Private LimitedPetitioner

V/s.

Union of India and Ors.Respondents

Mr. Subhash Jha a/w. Ms. Neha Balani, Ms. Komal Thakur, Ms. Apeksha Sharma and Mr. Siddharth Jha i/b. Law Global for petitioner.

Mr. Jitendra B. Mishra a/w. Ms. Mamta Omle and Mr. Rupesh Dubey for respondents.

**CORAM : K.R. SHRIRAM &
JITENDRA JAIN, JJ.**

DATED : 6th AUGUST 2024

P.C. :

1 Yesterday, i.e., 5th August 2024, after the petition was heard, order was dictated granting leave to withdraw the petition with liberty to attend pre-consultation and also respond to the notice dated 11th December 2023. Statement of Mr. Jha that petitioner would attend on the date fixed by concerned authorities and explain why petitioner should be given the benefit of CGST Act was also accepted.

2 After the order was dictated, Mr. Mishra informed the Court that respondents have handed over to him at that moment affidavit in reply of one Hemlata Suryawanshi affirmed on 5th August 2024 and also copies of a show cause notice dated 20th December 2023 and order in original dated 11th March 2024 in the same matter. Mr. Mishra stated that in this case show cause notice dated 20th December 2023 had been issued, personal

hearing was granted on 22nd February 2024 when the Director of petitioner attended and an order in original dated 11th March 2024 has already been passed. When we expressed our view that these things should have been disclosed in the petition, Mr. Jha pointed out that the order in original was passed on 11th March 2024 whereas, the petition was affirmed on 20th February 2024 and also lodged on 20th February 2024. Though Mr. Jha is correct that the petition was lodged before the order in original dated 11th March 2024 was passed, in our view, petitioner was duty bound to bring this fact to the notice of the Court that such an order has been passed and should have filed an additional affidavit. Moreover, in the petition, there is no averment to state that the show cause notice also had been issued to petitioner.

3 At this stage of dictating the order, Mr. Jha sought leave of the Court to withdraw the petition and stated that petitioner will file an appeal against the order in original dated 11th March 2024.

4 Petition dismissed as withdrawn. Petitioner may take such steps as advised in accordance with law. We express no opinion.

(JITENDRA JAIN, J.)

(K.R. SHRIRAM, J.)