

IN THE HIGH COURT OF KARNATAKA

CIRCUIT BENCH AT DHARWAD

DATED THIS THE 28<sup>TH</sup> DAY OF JANUARY 2009

BEFORE

THE HON'BLE MR.JUSTICE H.BILLAPPA

WRIT PETITION No.28387/2004

Between:

Union of India,  
Owning South Western Railway,  
A Railway Zone under Indian Railways,  
Hubli,  
Represented by its General Manager. ...PETITIONER

(By Sri M.B.Kanavi, C.G.S.C. for Petr).

AND:

1. The State of Karnataka  
Represented by its Secretary,  
Finance Department,  
Vidhana Soudha,  
Bangalore-560 001.

2. the Deputy Commissioner of  
Entry Taxes (Assessment-I)  
Navanagar,  
Hubli-25.

... RESPONDENTS

(By Sri. K.B.Adhyapak, Addl. G.A. for respondents ).



This Writ Petition is filed under Arts.226 and 227 of the Constitution of India praying to quash the assessment order and demand passed under Sec.5(4) of the KTEG Act, 1979 for the period from 1-4-2002 to 31-3-2003 vide Annexures - E and F dated 22-6-2004 issued by the Deputy Commissioner of Commercial Taxes (Assessment-I) Navanagar, Hubli i.e., Respondent No.2.

This Writ Petition coming on for Hearing this day, the Court made the following:-

### ORDER

The learned Central Government Standing Counsel has filed a memo stating that the matter is covered by the Division Bench decision of this Court in W.A.No.7044/<sup>\* 2001</sup>(2007) and therefore, the writ petition may be disposed of in terms of the order passed <sup>by this court</sup> in <sup>\* 2001.</sup> W.A.No.7044/(2007).

2. Accordingly, the writ petition is disposed of in terms of the order passed by this Court in W.A.No.7044/<sup>\* 2001</sup>(2007). Memo ordered accordingly.

3. Sri M.B.Kanavi, the learned Central Government Standing Counsel is permitted to file his

\* Corrected vide Court  
Order dated 16.07.2012



memo of appearance ~~xxxxxxxx~~ <sup>for</sup> the petitioner, within  
two weeks from today.

Sd/-  
JUDGE

NT/-.