

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17154 of 2014

My Home Industries Limited

.... Petitioner/s

Versus

The State of Bihar & Ors

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Mrigank Mauli, Mr. Vinay Mistry

For the Respondent/s : Mr. Lalit Kishore, (Paag)
Mr. Vikash Kumar, AC to PAAG

CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI

and

HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE I. A. ANSARI)

2 26-09-2014 Heard Mr. Mrigank Mauli, learned Counsel for the petitioner, and Mr. Lalit Kishore, Principal Additional Advocate General, appearing on behalf of the respondents.

As has been sought for, and agreed to, by the learned counsel for the parties concerned. This writ petition, made under Article 226 of the Constitution of India, is taken up for disposal.

With the help of this writ petition, the petitioner seeks issuance of a writ, in the nature of ***certiorari***, quashing Memo No. 695, dated 22.9.2014, issued by respondent No. 2, namely, Dy. Commissioner of Commercial Taxes, Patna Special Circle, 2nd Floor, Kautilya Bhawan, Anta Ghat, Patna, and also issuance of a writ, in the nature of ***mandamus***, directing the respondent authorities to restrain from enforcing the demand notice issued vide letter No. 259, dated 19.8.2014, till the time the petitioner's appeal, pending before the Commercial Taxes Tribunal, Bihar, Patna, is disposed of.



Having perused the materials on record and after hearing the learned counsel for the parties concerned, we dispose of this writ petition with a direction to the petitioner, as has been agreed to by the petitioner, that the petitioner shall, within two weeks from today, deposit the balance amount of Rs. 28,49,355/- as against the total demand of Rs. 1,10,62,855/- inasmuch the petitioner claims to have already paid/deposited Rs. 82,13,500/- and, subject to the condition, as we have imposed hereinbefore, the enforcement of the demand notice, contained in Memo No. 695, dated 22.9.2014, shall remain stayed until the time the learned Tribunal passes necessary order, as may be deemed fit by the learned Tribunal, on the prayer, made by the petitioner, for stay of the impugned demand notice, contained in Memo No. 695, dated 22.9.2014.

It is further directed that the petitioner shall rectify the defects, if any, in the memorandum of appeal, on or before the date on which the deposit of the said amount of Rs. 28,49,355/- is made.

In terms of the above directions, this writ petition shall stand disposed.

(I. A. Ansari, J)

(Anjana Mishra, J)

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