

Nai Rajdhani Path Pramandal, Road Construction Department, Government of Bihar, Patna

Civil Writ Jurisdiction Case No.12231 of 2017

FORUM

Patna High Court

ORDER DATE

29 Aug 2017

NOTE TYPE

Source extract

01 CONCLUDING COURT PASSAGE - SOURCE EXTRACT

Parijat Saurav, Advocate Mr. Ajay Kumar Rastogi, AAG-10 Mr. Abhi Sarkar, Advocate Mr. Naman Nayak, Advocate For the Respondent/s : Mr. Archana Sinha, Advocate CORAM: HONOURABLE THE CHIEF JUSTICE and HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY ORAL JUDGMENT (Per: HONOURABLE THE CHIEF JUSTICE) Date : 29-08-2017 This is a dispute between the State Government and the Income Tax Department in the matter of payment of duty and tax said to have been deducted by the department under the T.D.S. system. Be it as it may be, the fact remains that the appeal filed by the State Government is pending consideration before the Appellate Tribunal and as the Appellate Tribunal is not functioning in Patna, the application has been filed for hearing of the stay application. If the Appellate Tribunal is not functioning in Patna, the petitioner herein can approach the Bench at Mumbai and the Chairman of the Bench at Mumbai is authorized to deal with the stay application. On the petitioner filing a certified copy of this order along with appropriate application before the Bench at Mumbai, which is authorized to hear the matter, we are hopeful that the Bench shall consider the issue of interim relief and pass appropriate order on the prayer for stay made by the petitioner before the said Tribunal. In the meanwhile, the petitioner shall ensure that an amount of Rs. 118 crore is kept as a balance in the account of the petitioner. We request the Tribunal to decide the question of stay within a period of two weeks of receipt of a copy of this order. With the aforesaid, the writ application stands disposed of. P.K.P. (Anil Kumar Upadhyay, J)

SOURCE & VERIFICATION

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