

Rajendra Singh

Civil Writ Jurisdiction Case No.4385 of 2018

FORUM

Patna High Court

ORDER DATE

23 Apr 2019

NOTE TYPE

Source extract

01 CONCLUDING COURT PASSAGE - SOURCE EXTRACT

Either way, the action be taken and a decision communicated to the petitioner within 60 days from the date of receipt of a certified copy of this order. With the aforesaid, we dispose of the writ petition." It is following this direction that the matter was examined and order was passed on 05.01.2018 which is impugned in this writ petition. The substance of the order rejecting the allegation is that there is no evidence supporting the allegation. While it is the submission of Ms. Sinha, learned counsel appearing on behalf of the Department that the Panchnama which was drawn during the search and survey operation records no such objection, the assessee has countered by stating that it was drawn on blank paper but the inventory list placed at Annexure-I contains the details of 58 items and bears the signature of the representative of the petitioner and neither records any objection nor is on a blank sheet. In such view of the matter, where the allegation set up by the petitioner is mere a word against a word of the Department, in absence of supporting material which would conform to the allegation, we are not inclined to enter into the disputed facts. It was for this reason, that the Co-ordinate Bench taking note of the grievance of the petitioner on the earlier occasion, relegated the matter for enquiry by the Department allowing the petitioner to establish his allegation but it is not forthcoming. In such view of the matter and in view of the disputed facts which lie at the foundation of the allegation, we refrain from exercising our extraordinary jurisdiction vested under Article 226 of the Constitution to dispose of the writ petition.

SOURCE & VERIFICATION

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READ ORDER

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