

(2020) 12 PAT CK 0398

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 10742 Of 2019

Carlsberg India Private Limited

APPELLANT

Vs

State Of Bihar And Ors

RESPONDENT

Date of Decision : 16-12-2020

Acts Referred:

Citation : (2020) 12 PAT CK 0398

Hon'ble Judges : Sanjay Karol, CJ;Prabhat Kumar Singh, J

Bench : Division Bench

Advocate : Satyabir Bharti, Vikash Kumar

Final Decision : Disposed Of

Judgement

1. Heard Mr. Satyabir Bharti, learned counsel for the petitioner and Mr.Vikash Kumar, learned Standing Counsel 11 representing the State.

2. Writ petition has been preferred for the following reliefs:-

(i) Issuance of a writ in the nature of mandamus directing the respondents to release and make payment of a sum of Rs.5,79,31,763/- being the VAT

Reimbursement amount, payable to the petitioner under the Bihar Industrial Incentive Policy, 2011, which despite having accrued and payable to the petitioner, has been withheld, without any just and reasonable cause;

(ii) To direct the respondents to pay interest @ 18% per annum from the date the aforesaid incentive/subsidy, became due and payable to the

petitioner under the Bihar Industrial Incentive Policy, 2011;

(iii) To pass such other order(s) as Your Lordship may deem fit and proper in the facts and circumstance of the present case.

3. At the outset, learned counsel for the petitioner submits that during pendency of the writ petition, petitioner's claim for VAT Reimbursement,

has been rejected by the Director, Industries, Government of Bihar, Patna (respondent no.5) under Letter No.4514 dated 12.12.2018 on the ground

that the Unit is closed, and in that view of the matter, he seeks permission to withdraw the writ petition, with liberty to challenge Letter No.4514 dated

12.12.2018, in a separate writ petition. It is also the submission of the learned counsel that respondents may be directed to supply the petitioner a copy

of the order on the basis of which his claim for VAT reimbursement has been rejected, within a period of four weeks from today.

4. Learned counsel for the State submits that he would be serving a copy of the order in question to learned counsel for the petitioner within the said

stipulated period.

5. In view of the submission of learned counsel for the petitioner, instant writ petition is disposed of with liberty to the petitioner to file fresh writ

petition.