(1987) 05 PAT CK 0010

In the Patna High Court

Case No : Civil Writ Jurisdiction No. 330 of 1979 (R)

M/s. Kumar Metal Works — APPELLANT

Vs

State of Bihar and Others — RESPONDENT

Date of Decision : 14-05-1987

Acts Referred:

Citation : (1988) PLJR 128

Hon'ble Judges : S.B. Sinha, J

Bench : Single Bench

Judgement

S.B. Sinha, J.—In this writ application the petitioner prays for issuance of an appropriate writ for directing the respondents particularly the respondent No. 4 to forbear from giving effect to or acting pursuant to the order dated 22.5.1979 as contained in Annexure 6 to the writ petition as also for a further direction that the respondent no. 4 be commanded upon to grant exemption to the petitioner from payment of sales tax and purchase tax in terms of the notification as contained in Annexures 1, 2, 3 and 8. By reason of the aforementioned notification the State of Bihar directed grant of exemption from payment of general sales tax and special sales tax on finished raw material and as the case may be in respect of the recently set up small scale industrial (sic) good for a period of five years from the date on which the industry commenced production. The petitioner has started in the writ application that the factory of the petitioner commenced production with effect from 20th June 1975. The petitioner has also annexed a copy of the registration certificate dated 22.7.1975 whereby and where under the petitioner has been recognised as a small scale industry.

2. In view of the recent Full Bench decision of this Court in Tara Steel Industries Vs. Assistant Commissioner of Commercial Taxes and Others, as also the decision of the Supreme Court in Pournami Oil Mills and Others Vs. State of Kerala and Another, , now it is well settled that a small scale Industry shall be entitled to exemption from payment of sales tax as referred to in the notifications issued by it from time to time. In this view of the matter, the impugned order as contained

in Annexure 6 is quashed and the respondents are hereby directed to grant exemption to the petitioner, the authorities shall now proceed accordingly. This writ petition is, therefore, allowed but in the circumstances of the case there will be no order as to costs.