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SLP(C)No. 11172 OF 2000

ITEM No.36

Court No. 3

SECTION III  
A/N MATTER

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No.11172/2000

(From the judgement and order dated 21/06/2000 in CWJC 5354/99  
of The HIGH COURT OF JUDICATURE AT PATNA)

PRITHVINATH PRASAD

Petitioner (s)

VERSUS

STATE OF BIHAR & ORS

Respondent (s)

(With prayer for interim relief and office report)

Date : 05/02/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. KIRPAL  
HON'BLE MR. JUSTICE M.B. SHAH  
HON'BLE MRS. JUSTICE RUMA PAL

For Petitioner (s) Mr. P.S. Mishra, Sr. Adv.  
Mr. Manu Sharma, Adv.  
Mr. Upendra Mishra, Adv.  
Mr. Anil K. Jha, Adv.

For Respondent (s) Mr. B.B. Singh, Adv.

UPON hearing counsel the Court made the following  
O R D E R

.....L.....I.....T.....T.....T.....T.....T.....J

.SP2

Special leave granted.  
Heard counsel for the parties.  
The appeal is allowed.

.SP1

Kalyani. (S.L. GOYAL)@@  
AAA  
COURT MASTER@@  
A AAA

(Signed Order is placed on the file.)

.PL60

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2001@@  
EEEEEEEEEEEEEEEEEEEEEEEEEEEEEEEEEEEE  
(Arising out of S.L.P.(C) No. 11172 of 2000)

Prithvinath Prasad ..... Appellant

Versus

State of Bihar & Ors. .... Respondents

O R D E R@@  
EEEEEEEEEE

.....L.....I.....T.....T.....T.....T.....T.....T.....J  
.SP2

Special leave granted.

Heard counsel for the parties. The grievance of the appellant is that the order dated 3rd August, 1999 was passed by the Joint Commissioner, Commercial Taxes, Patna, Bihar without giving any reasons. There is merit in this submission. Principles of natural justice would have required some reason being given before rejecting an application which had been filed by the appellant.

We, accordingly, allow this appeal, set aside the impugned order and also the decision dated 3rd August, 1999 of the said Joint Commissioner and direct the Joint Commissioner to dispose of the appellant's representation under Rule 3(4) of the Bihar Sales Tax Rules, 1983 by giving a reasoned order after giving an opportunity to the appellant to represent his case or give a hearing.

.SP1

.....J  
(B.N. KIRPAL)

.....J  
(M.B. SHAH)

New Delhi, .....J  
February 5, 2001. (RUMA PAL)