

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(s).24326/2010

M/S KAIMUR CONSTRUCTION Petitioner(s)

VERSUS

STATE OF BIHAR AND ORS Respondent(s)

(With prayer for interim relief and office report)

WITH SLP(C) NO. 24673 of 2010
(With Appln. For Exemption from filing C/C of the impugned judgment and with prayer for interim relief and office report)

SLP(C) NO. 24675 of 2010
(With prayer for interim relief and office report)

SLP(C) NO. 24834 of 2010
(With Appln. For Exemption from filing C/C of the impugned judgment and with prayer for interim relief and office report)

Date: 06/09/2010 These Petitions were called on for hearing today.

CORAM :
HON'BLE DR. JUSTICE MUKUNDKAM SHARMA
HON'BLE MR. JUSTICE ANIL R. DAVE

For Petitioner(s) Mr. Ajit Kumar Sinha, Sr. Adv.
Mr. Raj Kishore, Adv.
Mr.Gaurav Agrawal,Adv.
Mr. Siddharth Gupta, Adv.

For Respondent(s)

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

The contention of the counsel appearing for the petitioner before us is that in the Writ Petition, the petitioner has raised issues not only with regard to the challenge to the validity of Section 41 of the Bihar Value Added Tax Act,2005 (in short the 'Act') but also with regard to those issues as specifically mentioned in paragraphs F,G & H of the impugned order. It is stated by him that the High Court has decided only with regard to the issue of constitutional validity of the provisions of Section 41 of the Act, whereas the other issues which are mentioned in paragraphs F,G & H of the impugned order have not at all been considered and dealt with by the High Court in the impugned order. Since it is the case of the petitioner that some of the vital issues, which were raised by the petitioner, before the High Court were not dealt with and considered, it would be appropriate for the petitioner to approach the High Court once again by filing a review petition. At this stage counsel for the petitioner states that he may be granted a liberty to approach the High Court after allowing him to withdraw the present petition. We grant the said permission with a liberty as prayed for. It shall also be open to the

petitioner to seek for any interim relief in the meantime before the High Court, which if made would be considered on its own merit.

Special leave petition is dismissed as withdrawn with the liberty as aforesaid.

(NEELAM GULATI)
Sr. P.A.

(RENU DIWAN)
COURT MASTER