

ITEM NO.37

COURT NO.14

SECTION III

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).3659/2009

(From the judgement and order dated 06/02/2008 in SBSTR No. 30/2008 of The HIGH COURT OF RAJASTHAN, JAIPUR BENCH AT JAIPUR)

ASSISTANT COMMISSIONER

Petitioner(s)

VERSUS

M/S D.P.TREHAN (THROUGH LRS)

Respondent(s)

(With prayer for interim relief and office report)

Date: 17/09/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE MUKUNDAKAM SHARMA

HON'BLE MR. JUSTICE ANIL R. DAVE

For Petitioner(s) Mr. Milind Kumar, Adv.

For Respondent(s)

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

Despite service on the legal representatives of the original respondent, none appears on their behalf.

By our order dated 17.10.2008, a liberty was granted to the petitioner to seek clarification of the impugned order from the High Court. The contention of the petitioner before us is that

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by filing this petition they seek for modification of the order of the High Court to the extent that the High Court ought to have remanded the matter back to the Commercial Tax Officer for reconsideration.

We are informed that pursuant to our order giving liberty to the petitioner, an application was filed before the High Court which although was entertained has not been disposed of till date by the High Court. In that view of the matter, we set aside the impugned order of the High Court and send back the matter to the High Court for reconsideration as a clarification application is also pending before it.

The Special Leave Petition stands disposed of in terms of the aforesaid order.

(KUSUM SYAL)
SR.P.A.

(RENU DIWAN)
COURT MASTER