

WP(C) No.(SH) 8 of 2013

24.09.2013

HON'BLE THE CHIEF JUSTICE

Ms S Bhattacharjee, Advocate, present for the writ petitioner.

Mr ND Chullai, Sr. GA, with Mr KP Bhattacharjee, Advocate, present for respondents.

Heard.

This contempt petition has been filed complaining disobedience of the order dated 14.12.2012 passed by this Court in WP(C) (SH) 346/2012.

The direction issued in the order complained to have been disobeyed, was to decide the representation of the writ petitioner.

Learned counsel for the respondents submitted that the representation of the writ petitioner has already been considered by the authority concerned and disposed of by a speaking order. A copy of order disposing the representation is annexed as Annexure A to the additional affidavit filed by Shri CCM Mihsil, Director, Education and Research Training, Govt. of Meghalaya.

In view of the above response filed by the respondent No. 1, it cannot be said that there have been any wilful disobedience on the part of either of the two respondents impleaded in the contempt petition.

Therefore, the contempt notices are discharged. Contempt petition stands disposed of.

CHIEF JUSTICE

dev
24.09.13

MC (WP(C)) No.(SH) 285 of 2013
IN WP(C) No.(SH) 251 of 2013

24.09.2013

HON'BLE THE CHIEF JUSTICE

In view of the order passed today in
WP(C)No.(SH) 251 of 2013, this Misc. Case stands
disposed of.

CHIEF JUSTICE

dev
24.09.13

MC No.(SH) 286 of 2013
IN WP(C) No.(SH) 252 of 2013

24.09.2013

HON'BLE THE CHIEF JUSTICE

In view of the order passed today in WP(C)No.
252 of 2013, this Misc. Case stands disposed of.

CHIEF JUSTICE

dev
24.09.13

MC No.(SH) 302 of 2013
IN WP(C) No.(SH) 273 of 2013

24.09.2013

HON'BLE THE CHIEF JUSTICE

In view of the order passed today in WP(C)No. 273
of 2013, this Misc. Case stands disposed of.

CHIEF JUSTICE

dev
24.09.13

WP(C) No.(SH) 222 of 2013

24.09.2013

HON'BLE THE CHIEF JUSTICE

Mr AH Hazarika, Advocate, present for the writ petitioner.

Mr KP Bhattacharjee, Govt. Advocate, present for respondents.

Heard.

By means of this writ petition, the writ petitioner has sought for issuance of a writ in the nature of mandamus directing the respondents to consider and count his past service for the purposes of pay protection etc. after he joined as Arts Adviser, for which he got selected through the Meghalaya Public Service Commission.

Learned counsel for the respondents prays for and is allowed four weeks' time to file counter affidavit.

List on 24.10.2013.

Learned counsel for the respondent No. 4 prays for and is allowed three weeks' time to file counter affidavit.

List on 22.10.2013.

CHIEF JUSTICE

dev
24.09.13

WP(C) No.(SH) 251 of 2013

24.09.2013

HON'BLE THE CHIEF JUSTICE

Mr AK Saraf, Sr. Advocate, with Mr A Goel, Advocate, present for the petitioner.

Mr AH Hazarika, Govt. Advocate, present for respondents.

Learned counsel for the writ petitioner submitted that the writ petitioner established its industrial unit in pursuance of Meghalaya Industries (Sales Tax Exemption) Scheme, 2001 read with Notification dated 16.10.2006, by which it was allowed to retain the tax collected which was to be treated as subsidy.

He further argued that on the principle of legitimate expectation, it was not open for the respondents to withdraw the scheme mid way after alluring the investor. The benefit already availed could not have been withdrawn and tax collected is not liable to be forfeited. A similar matter is said to have been admitted.

Admit this writ petition.

Learned GA prays for and is allowed four weeks' time to file counter affidavit.

Copies of the writ petition may be supplied by the petitioner to the respondents' counsel during the course of the day. Meanwhile, till 04.11.2014, the impugned orders passed by the Superintendent of Taxes, Ri-Bhoi District, Nongpoh, Meghalaya, shall not be given effect to.

List this writ petition for final hearing in the week commencing from 4.11.2013 along with WP(C)No. 172(SH) 2013.

CHIEF JUSTICE

dev
24.09.13

WP(C) No.(SH) 273 of 2013

24.09.2013

HON'BLE THE CHIEF JUSTICE

Mr N Khan, Advocate, present for the writ petitioner.

Mr ND Chullai, Sr. GA, present for respondents.

Mr AH Hazarika, Advocate, present for the private respondent.

This is an application moved on behalf of the writ petitioner for impleadment of Shri Johirul Islam Sarkar as respondent No. 5.

Heard.

The application appears to have been moved in the light of the order dated 17.09.2013 passed by this Court.

Therefore, the application is allowed.

Let respondent No. 5 Shri Johirul Islam Sarkar be impleaded in the array of party in WP(C)No.(SH) 273/2013.

The correction in the writ petition may be made by the counsel for the writ petitioner during the course of the day.

Steps shall be taken for service on the respondent No. 5 within one week by ordinary course as well as by Registered Post.

Issue notice thereafter to the newly impleaded respondent No. 5, who may file his counter affidavit within a period of four weeks from today. Meanwhile, the other respondents may also file their counter affidavits in the writ petition.

List this writ petition on 24.10.2013.

CHIEF JUSTICE

dev
24.09.13

WP(C) No.(SH) 252 of 2013

24.09.2013

HON'BLE THE CHIEF JUSTICE

Mr AK Saraf, Sr. Advocate, with Mr A Goel, Advocate, present for the petitioner.

Mr AH Hazarika, Govt. Advocate, present for respondents.

Learned counsel for the writ petitioner submitted that the writ petitioner established its industrial unit in pursuance of Meghalaya Industries (Sales Tax Exemption) Scheme, 2001 read with Notification dated 16.10.2006, by which it was allowed to retain the tax collected which was to be treated as subsidy.

He further argued that on the principle of legitimate expectation, it was not open for the respondents to withdraw the scheme mid way after alluring the investor. The benefit already availed could not have been withdrawn and tax collected is not liable to be forfeited. A similar matter is said to have been admitted.

Admit this writ petition.

Learned GA prays for and is allowed four weeks' time to file counter affidavit.

Copies of the writ petition may be supplied by the petitioner to the respondents' counsel during the course of the day. Meanwhile, till 04.11.2014, the impugned orders passed by the Superintendent of Taxes, Ri-Bhoi District, Nongpoh, Meghalaya, shall not be given effect to.

List this writ petition for final hearing in the week commencing from 4.11.2013 along with WP(C)No. 172(SH) 2013.

CHIEF JUSTICE

dev
24.09.13

