

Court No. - 39

Case :- WRIT TAX No. - 1666 of 2018

Petitioner :- M/S Varun Beverages Limited

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Shubham Agrawal

Counsel for Respondent :- C.S.C.,C.B.Tripathi

Hon'ble B. Amit Sthalekar,J.

Hon'ble Mrs. Manju Rani Chauhan,J.

Heard Sri Shubham Agrawal, learned counsel for the petitioner, Sri C.B.Tripathi, learned Standing Counsel for the respondents.

The petitioner in the writ petition is seeking quashing of the order dated 03.11.2018 passed by the respondent no.2-Appellate Authority under Section 107(4) of the U.P. GST Act.

The submission of the petitioner is that there is a remedy of appeal under Section 112 before the Appellate Tribunal but because the Tribunal itself has not been constituted, he has no remedy except to approach this Court under Article 226.

This fact has not been denied by the learned Standing Counsel.

We therefore entertained this writ petition.

Learned counsel for the respondents may file counter affidavit within a month.

List on 13.02.2019.

Order Date :- 11.1.2019

JK Yadav