

**HIGH COURT OF SIKKIM**

Record of proceedings

**W.P. (C) No.10 of 2023**

MRS. BIMLA DEVI

..... PETITIONER

VERSUS

THE CHIEF COMMISSIONER OF CENTRAL  
EXCISE AND SERVICE TAX & ORS.

..... RESPONDENTS

Date: 22.03.2024

CORAM :

**HON'BLE MR. JUSTICE BHASKAR RAJ PRADHAN, J.**

For Petitioner : Ms. Subaksha Pradhan, Advocate.

For Respondents : Ms. Manasi Mukherjee, Advocate  
(*through V.C.*)

.....

**1.** Ms. Subaksha Pradhan, learned counsel appears on behalf of the petitioner submits that counter affidavit has not been served upon them. The Registry, however, places on record that the counter-affidavit filed by the respondents with an endorsement therein that a copy of the counter affidavit has been served to the petitioner.

**2.** Ms. Manasi Mukherjee, learned counsel for the respondents submits that although she wanted to serve the counter affidavit to the petitioner she could not do so. In such view of the matter the statement endorsed in the counter affidavit is false. Ms. Manasi Mukherjee desires to withdraw the counter affidavit and serve a copy of this counter affidavit to the petitioner during the course of the day and then refile it. The respondent is permitted to do so as per rules. The counter affidavit stands withdrawn.

**3.** List on 09.04.2024.

**Judge**