

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.3307 of 2015**

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M/s. Sri Ganpathy Transport through Sri T.L Ramrajan, Proprietor R/o -  
25/11, Mehta Nagar Main Road, Mehta Nagar, Chennai- 600029.

.... .... Petitioner

Versus

1. The State of Bihar through Commissioner cum Secretary, Commercial Taxes Department, New Secretariat, New Secretariat, Bailey Road, Patna.-
- 1.
2. Joint Commissioner of Commercial Taxes, Consolidated Investigation Station, Dhobi , Gaya.
3. Deputy Commissioner of Commercial Taxes, Integrated Check Post, Dobhi, Gaya. .

.... .... Respondents

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**Appearance :**

For the Petitioner/s : Mr. Madhav Roy, Advocate

For the Respondent/s : Mr. Vikas Kumar, AC to PAAG

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**CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA**

**and**

**HONOURABLE JUSTICE SMT. ANJANA MISHRA**

**ORAL ORDER**

**(Per: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA)**

2      09-03-2015                      Heard learned counsel for the petitioner and learned  
counsel for the State.

It is submitted by learned counsel for the petitioner that the truck of the petitioner along with the goods loaded thereon has been seized for the sole reason that the e-suvidha form, which had expired on 23.11.2014, had not been revalidated when the inspection was made on 24.11.2014 and the truck was seized. It is, however, submitted by learned counsel that only the notice of demand dated 9.12.2014 was issued to the petitioner and despite the petitioner approaching the respondent authorities they have refused to supply certified copy of the order imposing penalty, as a result of which the petitioner has not been able to file appeal

before the statutory authority.

On a consideration of the facts and circumstances of the case, it is directed that the respondent No.3, the Deputy Commissioner of Commercial Taxes, Integrated Check Post, Dobhi, Gaya, shall supply a copy of the order imposing penalty to the petitioner within a period of one week from the filing of application for the same, whereupon the petitioner may file an appeal against the said order along with an application for condonation of delay within a period of two weeks and the appellate authority shall consider and dispose of the appeal in accordance with law keeping in view the fact that the petitioner has been pursuing his remedy before this Court.

In the meantime, the truck along with the goods shall be released, on the petitioner depositing a Bank Guarantee for the amount of penalty imposed, i.e., Rs. 8,94,880/-.

The writ application is, accordingly, disposed of with the aforesaid directions.

**(Ramesh Kumar Datta, J)**

**(Anjana Mishra, J)**

spal/-

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