

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7524 of 2015

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Dhillon Freight Carrier, a proprietary concern having its office at 6, Ram Lochan Mallick Street, PO and PS Jorasanko, Kolkata and Branch Office at Opposite Sharma Motors, Hajiganj, PO + PS Patna City, District- Patna through its authorized signatory, Suresh Prasad, son of Late Ramjanam Prasad, resident of Salimpur Ahra, Dwarka Lane, P.O. Kadamkuan, P.S. Gandhi Maidan, District- Patna

.... Petitioner/s

Versus

1. The State of Bihar through Commissioner of Commercial Taxes, Bihar having its office at Vikas Bhawan, Bailey Road, Patna
2. Asstt. Commissioner of Commercial Taxes, Integrated Check Post, Jalalpur, Gopalganj
3. Commercial Taxes Officer, Jalalpur Check Post, Gopalganj

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. D.V.Pathy, Advocate
Mrs. Anju Jha, Advocate

For the State : Mr. Sandeep Kumar (GA-8)

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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 13-05-2015 Heard learned counsel for the petitioner and

learned Government Advocate No. 8 for the State.

The application has been filed for quashing the order dated 8.4.2015 by which a penalty of Rs. 6,42,354/- has been imposed upon the petitioner under the provisions of Section 60(4)(b) read with Section 56(4)(b) of the Bihar Value Added Tax Act, 2005 and also for release of the transport vehicle bearing registration No. UP 21BN/0890 along with the goods laden thereon.

Learned counsel for the petitioner, at the outset submits that since there is statutory remedy of appeal available to the petitioner against the impugned order dated 8.4.2015, it shall be availing the said statutory remedy and confines its prayer to the release of the truck in question on furnishing Bank Guarantee for the penalty amount.

On a consideration of the facts and circumstances of the case, the writ application is disposed of with the direction that upon the petitioner furnishing Bank Guarantee of Rs. 6,42,354/- before the competent authority, the truck along with the goods laden thereon shall be released forthwith.

The petitioner shall have the liberty to challenge the order dated 8.4.2015 in appropriate statutory proceedings.

This Court has not considered the matter on its merit.

(Ramesh Kumar Datta, J)

S.Pandey/-

(Anjana Mishra, J)

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