

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14340 of 2015

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Dev International

.... Petitioners

Versus

State of Bihar & Anr

.... Respondents

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Appearance :

For the Petitioner/s : Mr. D.V.Pathy

Mrs. Manju Jha

For the Respondent/s : Mr.Vikash Kumar, A.C. to PAAG

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA)

2 09-09-2015

As prayed for, learned counsel for the petitioner is

permitted to remove the defects as pointed out by the stamp reporter in the course of the day. He is further permitted to make necessary corrections in paragraph No.1 with regard to the nature of the application, date of the impugned order as also the provision under which it has been passed.

The petitioner seeks quashing of the order dated 28.07.2015 passed by the respondent No.2, Commercial Taxes Officer, Karmnasha Check Post, Kaimur under Section 60 (4) (b) read with Section 56 (4) (b) of the Bihar Value Added Tax Act, 2005 and for a direction to release the truck bearing registration No.GJ 2Z 8674 along with the goods loaded thereon.

Learned counsel for the petitioner fairly submits that

so far as the impugned order dated 28.07.2015 is concerned, he has already filed an appeal challenging the same before the Joint Commissioner (Appeals) and confines the present writ application only with regard to the release of the truck in question.

On a consideration of the facts and circumstances of the case, it is directed that upon the petitioner furnishing a bank guarantee of Rs.2,70,130/- before the respondent No.2, Commercial Taxes Officer, Karmnasha Check Post, Kaimur, the truck in question shall be released forthwith.

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

Learned counsel for the State shall communicate this order to the respondent No.2 in order to ensure that the truck in question along with goods loaded thereon is released forthwith without awaiting a copy of this order.

V.P.Sinha/-

(Ramesh Kumar Datta, J)

(Sudhir Singh, J)

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