

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18088 of 2015

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Yash Road Carriers, near Guru Nanak Dharam Kanta, Railway Station,
Village Dariya, P.S. Dariya, Chandigarh, through its Proprietor Yogesh
Sharma, son of Sri Mahavir Prasad, resident of village Dariya, P.S. Dariya,
Chandigarh

.... Petitioner/s

Versus

1. The State of Bihar through Commissioner-cum-Principal Secretary,
Commercial Taxes Department, Bihar having its office at Vikas Bhawan,
Bailey Road, Patna
2. Deputy Commissioner of Commercial Taxes Integrated Check Post,
Jalalpur, (Gopalganj), Bihar
3. Assistant Commissioner of Commercial Taxes, Integrated Check Post,
Jalalpur(Gopalganj),Bihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Smt. Archana Shahi. Ajit Kumar
For the State : Mr. Anil Kumar Sinha- GA-9
Mr. Pawan Kumar, AC to GA-9.

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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 10-11-2015 Heard learned counsel for the petitioner and

learned Government Advocate No. 9, for the State.

The writ application has been filed for quashing
the order dated 30.10.2015 by which penalty of Rs. 7,34,590/-
has been imposed under Section 60(4)(b) read with Section 56(4)
(b) of the Bihar VAT Act, 2005 by the Assistant Commissioner,
Commercial Taxes, Integrated Check Post, Jalalpur (Gopalganj),
Bihar and also for release of the vehicle along with the goods
laden thereon.

It is not in dispute that the impugned order dated 30.10.2015 is amenable to the statutory remedies.

In the said circumstances, the writ application is disposed of with liberty to the petitioner to avail of the statutory remedy available to it.

However, upon the petitioner furnishing Bank Guarantee of Rs. 7,34,590/- to the respondent no.3, the truck along with the goods laden thereon shall be released forthwith.

Learned Government Advocate No. 9 shall inform the respondent no.3 about the order of this Court as it may not be possible for the petitioner to obtain the certified copy of this order on account of intervening holidays.

The Respondent No. 3 shall not insist upon production of certified copy of this order by the petitioner.

(Ramesh Kumar Datta, J)

S.Pandey/-

(Sudhir Singh, J)

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