

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19189 of 2015

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Ratnatraya Vinimay Pvt. Ltd., a Private Limited Company incorporated under the Companies Act having its office at 33, Armenian Street, P.O., G.P.O., Kolkata, P.S. Burra Bazar, Kolkata-700001 through its Director Ashish Choudhary, son of Shri Shib Kumar Choudhary, resident of Battala Bailen-2, Uttarpara, P.O. Hind Motor, P.S. Uttarpara, District- Hooghly (West Bengal)

.... Petitioner/s

Versus

1. The State of Bihar through the Commissioner of Commercial Taxes, Bihar, Patna having its office at Vikash Bhawan, Bailey Road, Patna
2. Commercial Taxes Officer, Integrated Check Post, Dobhi (Gaya)

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. D.V.Pathy
Mrs. Manju Jha

For the Respondent/s : Mr. R.N. Prasad- SC-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 16-12-2015 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner has filed the writ application for quashing the order dated 5.12.2015 passed by the Commercial Taxes officer, Integrated Check Post, Dobhi (Gaya) imposing penalty under Section 60(4)(b) read with Section 56(4)(b) of the Bihar Value Added Tax Act, 2005. However, in view of the availability of alternative statutory remedy to the petitioner, the only relief prayed by learned counsel for the petitioner is with regard to release of the truck along with the goods laden thereon

by furnishing Bank Guarantee equal to the amount of penalty imposed.

In the aforesaid circumstances, the writ application is disposed of with liberty to the petitioner to take recourse of its statutory remedies.

However, upon the petitioner furnishing Bank Guarantee for an amount of Rs. 2,63,630/- before the Respondent No. 2, the vehicle along with the goods laden thereon shall be forthwith released.

Learned counsel for the State shall inform the Respondent No. 2 about this order so that the release may be made even without insisting upon certified copy of this order.

(Ramesh Kumar Datta, J)

S.Pandey/-

(Sudhir Singh, J)

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