

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18620 of 2015

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M/s Nitco Logistics Private Limited having its registered office at 30 Phears Lane, Tara Hatti Area, Kolkata through its Branch Manager Samir Kumar Banarjee Son of late A.K. Banarjee Resident of 30 Phears Lane, Tara Hatti Area, Kolkata P.S. - Babu Bazar District - Kolkata.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary cum Commissioner of Commercial Taxes, Bihar, Vikas Bhawan, Bailey Road, Patna.
2. The Principal Secretary cum Commissioner of Commercial Taxes, Bihar, Vikas Bhawan, Bailey Road, Patna.
3. The Joint Commissioner, Commercial Taxes, Integrated Check Post, Dobhi, Gaya.
4. The Deputy Commissioner, Commercial Taxes, Integrated Check Post, Dobhi, Gaya.
5. The Assistant Commissioner, Commercial Taxes, Integrated Check Post, Dobhi, Gaya.
6. The Commercial Tax Officer, Integrated Check Post, Dobhi, Gaya.

.... Respondents

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Appearance :

For the Petitioner : Mr. Sushmita Mishra

For the Respondent : Mr. Purnendu Singh- G.P.-27

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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 15-12-2015 Heard learned counsel for the petitioner and learned counsel for the State.

The writ petition although has been filed seeking quashing of the order dated 20.11.2015 passed by respondent No.6, Commercial Tax Officer, Integrated Check Post, Dobhi, Gaya, but learned counsel for the petitioner, in view of the alternative statutory remedy available, presses the matter only for the purpose

of seeking release of the vehicle and goods on furnishing bank guarantee equivalent to the penalty imposed by the impugned order.

In view of the aforesaid stand of learned counsel for the petitioner, the writ application is disposed of with the direction that in case the petitioner furnishes bank guarantee for an amount of Rs.3,48,400/- before the respondent No.6, then the respondent shall release the vehicle along with the goods laden thereon forthwith. It shall be open to the petitioner to challenge the order impugned dated 20.11.2015 before the statutory authority.

(Ramesh Kumar Datta, J)

V.P.Sinha/-

(Sudhir Singh, J)

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