

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17815 of 2015

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Future Supply Chain And Solution Ltd., a Private Limited Company incorporated under the Companies Act, 1956 having its registered office at Knowledge House, P.O. + P.S. Jogeshari East, through its Sales Area Manager, Rabindra Kumar Thakur, son of Shri Dharendra Kumar Thakur, resident of Beside Baria School, Meori Vikash, P.O. Meouri, P.S. Ranchi Sadar, District - Ranchi (Jharkhand).

.... Petitioner/s

Versus

1. The State of Bihar through Commissioner of Commercial Taxes, Bihar having its office at Vikas 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. Vikash Kumar, AC 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 09-11-2015 Heard learned counsel for the petitioner and

learned counsel for the State.

The petitioner is aggrieved by the order dated 4.11.2015 passed by the Commercial Taxes Officer, Integrated Check Post, Dobhi, Gaya under Section 60(4)(b) read with Section 56(4)(b) of the Bihar Value Added Tax Act, 2005 by which he has imposed penalty of Rs. 4,12,670.00 upon the petitioner on account of the fact that the VAT TIN number of the consignee M/s. Benetton India Pvt. Ltd. has not been mentioned in the e-Suvidha declaration and further seized the transport vehicle (Truck) bearing registration No. HR 55J- 4834 along with the goods laden therein.

Learned counsel for the petitioner submits that on account of the fact that the petitioner has statutory remedy available under the Act before the competent authority, the petitioner does not press the present petition if the transport vehicle concerned along with the goods laden therein is released on filing Bank Guarantee equal to the amount of penalty.

On a consideration of the facts and circumstances, it is directed that upon the petitioner furnishing Bank Guarantee of Rs. 4,12,670/- before the Respondent No.2, the Commercial Taxes Officer, Integrated Check Post, Dobhi, Gaya, the aforesaid truck along with the goods laden thereon shall be released forthwith.

The writ application is disposed of with the aforesaid observations and directions.

It is made clear that the State counsel shall inform the Respondent No. 2 about this order so that the truck along with the goods are released forthwith without waiting for certified copy of this order.

(Ramesh Kumar Datta, J)

S.Pandey/-

(Sudhir Singh, J)

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