

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7567 of 2016

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Zinka Logistics Solution Pvt. Ltd, a company incorporated under the Companies Act, 1956 having its office at Feather Light Developers, 6th Floor, No. 17/1, Opposite Cessna Business Park, Kaverappa Layout, Kadubee Sanahauli Beellandur, PO + PS Bellandur, Bagaluru (Karnataka) – 560103 through its Senior Operation Executive, Rohit Kumar, son of Shri Uma Shankar, resident of 99, Sanjay Gandhi Nagar, Naubasta, PO Naubasta Galla Mandi, P.S. Naubasta, District- Kanpur .

.... 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, Rajauli, Nawadah

.... Respondent/s

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Appearance :

For the Petitioner/s : Mrs. Manju Jha, Advocate

For the Respondent/s : Mr Raj Nandan 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 27-04-2016

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.

Heard learned counsel for the petitioner and learned counsel for the State.

The writ application has been filed for quashing of the order dated 31.3.2016 passed by the respondent No. 2, the Commercial Taxes Officer, Integrated Check Post, Rajauli, Nawadah under Section 60(4)(b) read with Section 56(4)(b) of the Bihar Value Added Tax Act, 2005 by which a penalty of Rs.

7,75,511/- has been imposed.

However, in course of submission, learned counsel for the petitioner confines the writ application only for the release of the transport vehicle bearing registration no. AP07TU 9486 along with the goods laden thereon with liberty to file statutory appeal against the impugned order.

On a consideration of the facts and circumstances of the case, the writ application is disposed of with liberty to the petitioner to challenge the impugned order in appropriate statutory proceedings. However, upon furnishing Bank Guarantee of Rs. 7.75,511/- before the Respondent No. 2, the vehicle in question along with the goods laden thereon shall be released forthwith.

Learned counsel for the State shall inform the Respondent no.2 about this order so that the vehicle and the goods are released without insisting upon a certified copy of this order.

(Ramesh Kumar Datta, J)

S.Pandey/-

(Sudhir Singh, J)

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