

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10496 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, P.O. + P.S. Bellandur, Bagaluru (Karnataka)- 560103 through its Senior Executive Operation, Manoj Kumar Rai, son of Late Prem Chandra Rai, resident of 17, Girish Bose Road P.O. Belur Math, P.S. Belur, District- Howrah.

.... Petitioner

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, Jalalpur, Gopalganj

.... Respondent

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Appearance :

For the Petitioner/s : Mr. D.V.Pathy
Mrs. Manju Jha, Advocates
For the State : Mr. Purnendu Singh GP-27

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA
and
HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA)
Date: 01-07-2016

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

The writ application although filed for quashing of
the order dated 31.5.2016 passed by the Respondent No. 2, the
Commercial Taxes Officer, Integrated Check Post, Jalalpur,
Gopalganj imposing penalty under Section 60(4) (b) read with
Section 56(4)(b) of the Bihar Value Added Tax Act, 2005, but
learned counsel for the petitioner, in view of the alternative
statutory remedy, confines his prayer to release of the truck along



with the goods laden thereon on furnishing Bank Guarantee.

In the above circumstances, the writ application is disposed of with liberty to the petitioner to take recourse to the statutory remedy against the impugned order.

However, upon furnishing Bank Guarantee for Rs 3,39,820/- before the respondent no. 2, the Commercial Taxes Officer, Jalalpur, Gopalganj, the vehicle 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 truck and the goods laden thereon are released without insisting upon the certified copy of this order.

(Ramesh Kumar Datta, J)

S.Pandey/-

(Sudhir Singh, J)

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	04.07.2016
Transmission Date	