

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.3147 of 2016

Arising out of

Civil Writ Jurisdiction Case No. 11760 of 2016

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Delhi Gujarat Fleet Carriers Pvt. Ltd. 28/5 & 6 Opp. motor Fuel Petrol Pump, Samlakaha, New Delhi- 100037, Represented through Santosh Kumar (Manager D.G.F.C.) son of Shivbachan Chaudhary aged about 33 years, resident of village- Paigambarpur, P.O.+P.S. Ahiyapur, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar, through Commissioner-cum-Secretary-cum-Principal Secretary, Commercial Taxes Department, Government of Bihar, Vikas Bhawan, Bailey Road, Patna.
2. The Assistant Commissioner, Check Post of Bihar Commercial Tax Department, Jalalpur, Gopalganj, Bihar.
3. The Commercial Tax Officer, Check Post of Bihar Commercial Tax Department, Jalalpur, Gopalganj, Bihar.
4. The Officer-in-Charge, Check Post of Bihar Commercial Tax Department, Jalalpur, Gopalganj, Bihar.
5. The Joint Commissioner of Commercial Taxes (Appeals) Muzaffarpur, Division.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan, Advocate

For the Respondent/s : Mr. Pramod Kumar Singh, A.C. to S.C.16

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

And

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 19-10-2016

The prayer of the petitioner is to condone the delay in filing of appeal filed on 18th of August, 2016, though the order passed by this Court on 27th July, 2016 contemplated that if the remedy of appeal is not availed within 15 days, it shall be open to the Department to encash the Bank Guarantee. It is contended that the Bank Guarantee was furnished on 16th of August, 2016, but the memorandum of appeal

could not be presented within 15days on account of communication gap between the petitioner and the counsel but was filed on 18th August, 2016.

Keeping in view the fact that the appeal was filed not after much delay, we deem it appropriate to extend the time of availing the remedy of appeal till 18th of August, 2016.

Learned counsel for the petitioner further points out that the vehicle and the goods have not been released though the Bank Guarantee was furnished on 16th of August, 2016.

In view of the said fact, we direct the respondents to release the goods and the vehicle within 24 hours, failing which we give liberty to the petitioner to file a petition for contempt of the orders of this Court.

The MJC stands disposed of.

(Hemant Gupta, J.)

(Ahsanuddin Amanullah, J.)

Sunil/-

AFR/NAFR	N. A. F.R.
CAV DATE	N. A.
Uploading Date	19.10.2016
Transmission Date	