IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12331 of 2016

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M/s Bharat Petroleum Corporation Limited, a company incorporated under the provisions of Companies Act, 1956 having one of its Branch offices at 4th Floor, Exhibition Road, P.S. Gandhi Maidan, District Patna through its Sr. Manager, Finance, Shared Services, Eastern Region Sanjay Prasad Shaw, S/o Shri Bhuwaneshwar Prasad Shaw, Resident of 46, G.T. Road, P.O.- Rishra, P.S. Rishra, District Hooghly (West Bengal).

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary cum Commissioner of Commercial Taxes, Bihar, Patna.
2. The Joint Commissioner of Commercial Taxes (Appeals) Central Divisions, Patna.
3. The Deputy Commissioner of Commercial Taxes In-charge, Special Circle, Patna.
4. The Assistant Commissioner of Commercial Taxes, Special Circle, Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. S.D.Sanjay, Sr. Advocate.
Mr. Abhishek Kumar, Advocate.

For the Respondent/s : Mr. Vikash Kumar, SC-11.

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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: 05-08-2016

Heard learned counsel for the parties.

The petitioner has invoked the writ jurisdiction of this Court apprehending attachment of Bank account consequent to an order passed by the Assessing Officer on 30th June, 2016.

The stand of the petitioner is that it has filed an appeal along with pre-deposit of 20 per cent of the tax amount, but the stay application filed in appeal has not been taken up for consideration and that the respondents are threatening to attach the Bank Accounts of the petitioner.

Mr. Vikash Kumar, learned State Counsel states that the application for stay is fixed for hearing before the Joint Commissioner of Commercial Taxes, Bihar, Patna on 16th of August, 2016 and that the department shall not initiate recovery proceeding till such time application for stay is decided by the Joint Commissioner of Commercial Taxes, Bihar, Patna.

In view of the above, we find no ground for interference in the present writ application and the same is dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

Sujit/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	09.08.2016
Transmission Date	