

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14966 of 2016

M/s O. S. C. Logistics, having its Office at 9, Kali Prasanna Singhee Road, (Cossipor) Kolkata- 700002 through its Proprietor Omkar Singh, Son of Late Sohan Lal Singh, resident of 142 Ravindra Nagar, P.O. & P.S. Bara Nagar, Kolkata- 700 108 (W.B.).

.... Petitioner/s

Versus

1. The State of Bihar through the Commissioner-cum-Principal Secretary, Commercial Taxes Department, Bihar having its Office at Vikash Bhawan, Bailey Road, Patna.
2. The Deputy Commissioner of Commercial Taxes, Integrated Check Post, Dobhi, Gaya (Bihar).

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. R.K. Agrawal, Advocate.
Mr. Shive Kumar, Advocate.

For the Respondent/s :

CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 06-09-2016

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

2. Petitioner is aggrieved against the order dated 24.08.2016 passed by the Respondent No. 2, the Deputy Commissioner of Commercial Taxes, Integrated Check Post, Dobhi Gaya (Bihar) whereby, he has imposed penalty under Section 60(4)(b) read with Section 56(4)(b) of the Bihar Value Added Tax Act, 2005 (hereinafter referred to as “the Act”).

3. Learned counsel for the petitioner submits that he

may be given liberty to take recourse to his statutory remedies under the Act and in the meantime, the transport vehicle along with the goods laden thereon may be directed to be released on production of Bank Guarantee to the extent of the penalty levied.

4. The writ application is, accordingly, disposed of with a direction that upon the petitioner furnishing Bank Guarantee for Rs. 10,10,070/-, the vehicle in question shall be released forthwith by the respondents.

5. Learned State Counsel is directed to inform the respondent-authorities about this order who shall ensure release of the vehicle No. DL1GC/4260 along with the goods laden thereon without insisting upon a certified copy of the order.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

P.K.P.
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