

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10314 of 2016

=====

Associated Road Carriers Limited, a company incorporated under the Companies Act, 1956 having its registered office at Om Towers, 9th Floor, 32 J.L.Nehru Road, P.S.Shakespeare Sarani, Kolkata-700012, through its authorized representative, namely Rahtash Kumar Dakarwal, son of Shri Peerdan Dakarwal, resident of village Rajgarh, P.S. Rajgarh, District Churu (Rajasthan)

.... Petitioner

Versus

1. The State of Bihar through the Commissioner of Commercial Taxes, Bihar, Patna having its office at Vikas Bhawan, Bailey Road, Patna
2. The Deputy Commissioner, Commercial Taxes, Integrated Check Post (Commercial Taxes Department), Magadh Division, Dobhi, Gaya
3. The Commercial Taxes Officer, Integrated Check Post (Commercial Taxes Department), Magadh Division, Dobhi, Gaya

.... Respondents

=====

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar with Ms.Pronoti Singh, Advocates

For the Respondent/s : Mr. Anil Kr. Sinha, G.A.9 with Mr. Pawan Kumar, AC to G.A.9

=====

CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA)

2 29-06-2016 Heard learned counsel for the petitioner and learned counsel for the State.

Although the writ application has been filed for quashing the order dated 19.6.2016 passed by the Commercial Taxes Officer, Integrated Check Post, Dobhi, Gaya 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 alternative statutory remedy against the order confines the prayer

to release the transport vehicle along with the goods laden thereon on furnishing Bank Guarantee for the amount of penalty involved.

In the above circumstances, the writ application is dismissed on the ground of availability of statutory remedy with liberty to the petitioner to take recourse to such statutory remedy. However, it is directed that upon the petitioner furnishing Bank Guarantee for Rs.38,69,710/- before the respondent No.3 the vehicle along with the goods laden thereon shall be released forthwith.

Learned counsel for the State shall inform the respondent No.3 about this order so that the release can be effected without furnishing certified copy of this order.

(Ramesh Kumar Datta, J)

(Sudhir Singh, J)

spal/-

U			
---	--	--	--