

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12558 of 2016

=====

Bhoruka Roadlines Ltd. a company incorporated under the Companies Act, 1956 having its registered office at 14-7-46 & 47, Near Muslim Junge Bridge, Begum Bazar, Hyderabad- 500012, through its authorized representative, namely Manohar Duttu Fund, Son of Dutta Dagadoba Fund, resident of Flat No.6, Rukamli Place, Pimpri (Pune), District- Maharashtra.

.... Petitioner/s

Versus

1. The State of Bihar through the Commissioner of Commercial Taxes, Bihar Patna having its office at Vikash Bhawan, Bailey Road, Patna.
2. The Deputy Commissioner, Commercial Taxes, Integrated Check Post (Commercial Taxes Department), Karmnasha, Kaimur at Bhabhua.
3. The Commercial Taxes Officer, Integrated Check Post (Commercial Taxes Department), Karmnasha, Kaimur at Bhabhua.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Purnendu Singh, Advocate.

For the Respondent/s : Mr. Kumar Manish, SC-5

=====

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 petitioner and learned counsel for the State.

Although the writ application has been filed for quashing of the order dated 23.07.2016 passed by the Respondent No.2, the Deputy Commissioner, Commercial Taxes, Integrated Check Post(Commercial Taxes Department), Karmnasha, Kaimur at Bhabhua, by which he has imposed penalty under Section 60(4)(b) read with Section 56(4)(b) of the Bihar Value Added Tax Act, 2005 but at the time of hearing, learned counsel for the petitioner submits

that he may be given the 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.

The writ application is, accordingly, disposed of with a direction that upon the petitioner furnishing Bank Guarantee of Rs. 63,22,180/- then the vehicle in question shall be released forthwith by the respondents. Thereafter, petitioner shall be entitled to file an appeal. If the appeal is not filed within 30 days of the furnishing of the bank guarantee, the respondent shall be entitled to encash the bank guarantee in accordance with law.

Learned State Counsel is directed to inform the respondent-authorities about this order who shall ensure release of the vehicle No. MH 40Y-4671 along with the goods without insisting upon a certified copy of the order.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

Sujit/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	09.08.2016
Transmission Date	