

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18341 of 2016

=====

Pashupati Road Carrier Private Ltd., a company incorporated under the Companies' Act 1956 having its registered office at A-873, 1st Floor, Near Hanuman Mandir, Shastri Nagar, P.O. + P.S. Shastri Nagar, New Delhi- 110052 and Branch Office at Shitla Mata Mandir Road, P.O. Chhoti Pahari, P.S. Agamkuan, District- Patna through its Manager, Brajendra Kumar, son of Shri Surendra Prasad Sharma, resident of Village- Purainia, P.O. Neora, P.S. Bihta, District- Patna.

.... Petitioner

Versus

1. The State of Bihar through the Commissioner of Commercial Taxes, Bihar, Patna having its office at Vikash Bhawan, Bailey Road, Patna.

2. Commercial Taxes Officer, Integrated Check Post, Jalalpur (Gopalganj).

.... Respondents

=====

Appearance :

For the Petitioner : Mr. D.V. Pathy
Mrs. Manju Jha, Advocate

For the Respondents : Mr. Anil Kumar Sinha, GA1

=====

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 16-11-2016

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

2. Petitioner is aggrieved against the order dated 06.10.2016 passed by the Respondent No. 2, the Commercial Taxes Officer, Integrated Check Post, Jalalpur, Gopalganj (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. 3,40,065/- 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 transport vehicle (Truck) No. UP 78 CN 4202 along with the goods laden thereon without insisting upon a certified copy of the order.

(Hemant Gupta, ACJ)

(Vikash Jain, J)

B.T/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	19.11.2016
Transmission Date	N.A.