

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5088 of 2016

Delhi Baroda Road Carriers Pvt. Ltd., a Company incorporated under the Companies Act, 1956 having its registered office at 480, Phase -5, Udyog Vihar, Gurgaon, Haryana – 122016, PO Gurgaon, PS Gurgaon through its authorized representative, namely, Raj Kumar Tawar, son of Uday Singh, Tawar, resident of 480, Phase -5, Udyog Vihar, Gurgaon, Haryana, 122016, PO Gurgaon, PS Gurgaon, District Gurgaon

.... Petitioner

Versus

1. State of Bihar through the Commissioner of Commercial Taxes, Bihar, Patna having its office at Vikas Bhawan, Bailey Road, Patna
2. Commercial Taxes Officer, Integrated Check Post, Jalapur, Gopalganj

.... Respondents

Appearance :

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

For the Respondents : Mr. Purnendu Singh, GP 27

CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA
and
HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

2 14-03-2016 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 03.02.2006 passed by the Respondent No.2, the Commercial Taxes Officer, Integrated Check Post, Jalalpur, Gopalganj, by which he has imposed penalty under Section 60(4)(b) read with Section 46(4)(b) of the Bihar Value Added Tax Act, 2005 but ultimately 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 for Rs.12,73,290/-, then the vehicle in question shall be released forthwith by the respondents.

Learned State Counsel is directed to inform the respondent-authorities about this order who shall ensure release of the vehicle No. HR 38S-4457 along with the goods without insisting upon a certified copy of the order.

(Hemant Gupta, J)

(Ramesh Kumar Datta, J)

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