

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5328 of 2016

Salson Liquor Pvt. Ltd. having its registered office at Bino Shiva House, Frazer Road, Patna and factory at Khagaul, Danapur in the District of Patna through its authorized signatory and Director Sri Sanjay Kumar, son of Late Shaligram Prasad, resident of Shalimpur Arha, P.S. Gandhi Maidan, District- Patna.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary-cum-Commissioner, Commercial Taxes Department, Bihar, Patna.
2. The Commissioner, Commercial Taxes, Bihar, Patna.
3. The Deputy Commissioner, Commercial Taxes, Danapur Circle, Danapur, Patna.
4. The Bihar State Beverage Corporation Limited, A Government of Bihar Undertaking, having its registered office at Eastern Wing, 1st Floor, Vidyhut Bhawan-II, Jawaharlal Nehru Marg, Patna-1 through its Managing Director.
5. The Managing Director, the Bihar State Beverage Corporation Limited, having its registered office at Eastern Wing, 1st Floor, Vidyut Bhawan-II, Jawaharlal Nehru Marg, patna-1
6. The General Manager, Finance, the Bihar State Beverage Corporation Limited, having its registered office at Eastern Wing, 1st Floor, Vidyut Bhawan-II, Jawaharlal Nehru Marg, Patna-1.

.... Respondents

Appearance :

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

For the Respondents : Mr. Vikash Kumar, A.C. to PAAG.

CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 18-03-2016

Heard learned counsel for the petitioner and the State.

2. The challenge in the present writ application is to the demand raised on 26th of February, 2016 for a sum of Rs. 18,21,74,673/- as the dues for the month of February and March, 2016 to be paid by 25th of March, 2016.

3. Learned counsel for the State states that out of the said amount, Rs. Five crore forty one lacs have been deposited for the month of February, 2016 on the basis of actual sale whereas keeping in view the order

passed by Division Bench of this Court on 20th of March, 2015 in C.W.J.C. No. 4199 of 2015 for the earlier financial year, the petitioner should deposit another sum of Rs. Six crores to secure the interest of the revenue in partial modification of the demand raised.

4. We have heard learned counsel for the parties and find that it will be equitable if the petitioner deposits another sum of Rs. Six crores on or before 25th of March, 2016 towards advance tax up to the month of March, 2016, subject to the final assessment after the financial year.

5. The demand notice dated 26th of February, 2016 (Annexure-2) stands modified accordingly to that extent.

6. The writ application is, thus, disposed of.

(Hemant Gupta, J)

(Ramesh Kumar Datta, J)

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