

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12127 of 2016

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Zinka Logistics Solution Pvt. Ltd., a company incorporated under the Companies Act, 1956 having its office at Feather Light Developers, 6th Floor, No. 17/1, Opposite Cessna Business Park, Kaverappa Layout, Kadubee Sanahauli Beellandur, P.O.+P.S. Bellandur, Bagaluru (Karnataka)- 560103 through its Senior Executive Operation, Manoj Kumar Rai, son of Late Prem Chandra Rai, resident of 17, Girish Bose Road P.O. Belur Math, P.S. Belur, District- Howrah.

.... Petitioner/s

Versus

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

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. D.V.Pathy, Advocate.

For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 29-07-2016

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 16.06.2016 passed by the Respondent No. 2, the Commercial Taxes Officer, Integrated Check Post, Rajauli, Nawadah, 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 (hereinafter referred to as “the Act”) 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. 3,96,990/-, 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. KA51B-7595 along with the goods without insisting upon a certified copy of the order.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

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