

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8966 of 2016

1. Arihant Cargo Carriers Pvt. Ltd., a Private Limited Company incorporated under the Companies Act, 1956 having its Office at 57 Diamond Harbour Road, "Block-A, Room 103, 1st Floor , P.O. Khidderpur, P.S. Ekbalpur, Kolkata- 700023 through its Manager, Vishal Chitlangia, Son of Shri Bajrang Lal Chitlangia, Resident of 1/2 Haldarpara Lane, Mandirtalla, Shibpur, P.O. + P.S. Shibpur, District- Howrah- 711102.

.... Petitioner/s

Versus

1. State of Bihar, through the Commissioner of Commercial Taxes, Bihar, Patna having its office at Vikash Bhawan, Patna.
2. Assistant Commissioner of Commercial Taxes, Integrated Check Post Dalkola, Purnea.
3. Commercial Taxes Officer, Integrated Check Post Dalkola, Purnea.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. D.V.Pathy, Advocate.
Mrs. Manju Jha, Advocate.
For the Respondent/s : Mr. Ajay Kumar Rastogi, A.A.G. 10
Mr. Parijat Saurav, A.C. to A.A.G. 10

CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 09-08-2016

Heard learned counsel for the parties.

2. The petitioner invoked the writ jurisdiction of this Court claiming release of Truck No. NL-05D-2411, which was intercepted by Assistant Commissioner of Commercial Taxes, Integrated Check Post, Dalkola, Purnia, Bihar.

3. During the pendency of the writ application, an order of penalty has been passed on 11th of May, 2016 whereby a penalty of

Rs.2,84,152/- has been imposed.

4. Learned counsel for the petitioner states that in view of the order of penalty having been passed, he shall avail the alternative statutory remedy against such order in terms of the provisions of Bihar Value Added Tax Act, 2005.

5. In view thereof, the writ application is dismissed with liberty to the petitioner to avail alternative statutory remedy in terms of the provisions of Bihar Value Added Tax Act, 2005, provided the same is availed within 30 days from today.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

Narendra/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	12.08.2016
Transmission Date	