

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10797 of 2016

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- (1) National Plasto Products Pvt. Ltd., Plot No.D-3(P),E.P.I.P. Hajipur, Industrial Estate, District Vaishali, Bihar, through its Manager Jai Govind Kushwaha, son of Sri Muktinath Kushwaha, resident of B-1, Charkaya Colony, Hajipur, P.S.Hajipur and District- Vaishali
- (2) Mahesh Mahto, son of Sri Jagdish Mahto, resident of village-Barari, P.S. Jagarnama Markacho, P.O. Jamun and District-Kodarma (Jharkhand).

.... Petitioners

Versus

1. The State of Bihar through the Commissioner-cum-Principal Secretary, Commercial Taxes Department, Bihar having its office at Vikash Bhawan, Bailey Road, Patna.
2. The Deputy Commissioner of Commercial Taxes (I.B.), Bhagalpur, Division, Bhagalpur.
3. The Commercial Taxes Officer (I.B.), Bhagalpur Division, Bhagalpur.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Agrawal
Mr. Shive Kumar
Mr. Ravi Bhaskar

For the Respondent/s : Mr. Anil Kr. Sinha, G.A.9
Mr. Pawan Kumar A.C. to G.A.9.

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA)

2 05-07-2016 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners seek quashing of the order dated 18.06.2016 passed by the Commercial Taxes Officer (I.B.), Bhagalpur Division, Bhagalpur, by which the penalty has been imposed under Section 61 (3) read with Section 56 (4)(b) of the Bihar Value Added Tax Act, 2005.

However, learned counsel for the petitioners submits that since the order is amenable to a statutory appeal, he confines the prayer only to the release of the vehicle along with the goods laden thereon with liberty to file an appeal challenging the impugned order.

In the above circumstances, the writ application is disposed of with liberty to file an appeal against the impugned order, which shall be considered and disposed of by the appellate authority in accordance with law.

However, upon the petitioner furnishing bank guarantee of Rs.1,98,459/-before the Commercial Taxes Officer (I.B.), Bhagalpur Division, Bhagalpur, the vehicle along with the goods laden thereon shall be released forthwith.

Learned counsel for the State shall inform the respondent No.3 about this order so that the vehicle along with the goods laden thereon shall be released without waiting for production of the certified copy of this order.

(Ramesh Kumar Datta, J)

V.P.Sinha/-

(Sudhir Singh, J)

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