

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2086 of 2016

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M/s. Varuna Integrated Logistic Pvt. Ltd. In corporate under the Companies Act having its corporate office at Plot No. 619 Rangpuri, P.O. Mahipalpur Extension New Delhi 110037, registered office at Shahjhabpur Road, Shyamganj Barailly (U.P.) through its Assistant Manager Employee of the company as General Attorney Mahesh Kumar son of Nahan Singh Permanent resident of Patti, P.S. Mahendragarh, District Mahendragarh (Haryana) presently residing at Plot No. 619 Rangpuri P.O. Mahipalpur, New Delhi

.... Petitioner

Versus

1. The State of Bihar through the Commissioner of Commercial Taxes Bihar, Patna, its office at Vikash Bhawan, Bailey Road, Patna
2. The Joint Commissioner of Commercial Taxes Magadh Division, Gaya
3. The Deputy Commissioner, Taxes Integrated Check Post Dobhi, Gaya
4. The Commercial Tax Officer, Integrated Check Post, Dobhi, Gaya

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Akhilesh Kumar, Advocate

For the Respondent/s : Mr. Vikash Kumar, AC to PAAG

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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 12-02-2016 The writ application has been filed for quashing the order dated 10.1.2016 passed by the Commercial Tax Officer, Integrated Check Post, Dobhi, Gaya by which a penalty of Rs. 1,08,960/- has been imposed under Section 60(4)(b) read with Section 56(4)(b) of the Bihar Value Added Tax Act, 2006 and the consequential demand notice dated 15.1.2016.

However, in view of the fact that the statutory remedy is available to the petitioner for challenging the orders impugned, this Court is not inclined to entertain the writ application.

Learned counsel for the petitioner thus confines the prayer only to the release of the vehicle bearing registration No. HR 47B-3268 along with the goods laden thereon.

On a consideration of the facts and circumstances of the case, it is directed that upon the petitioner furnishing a Bank Guarantee of Rs.1,08,960/- before respondent No.4, the vehicle along with the goods laden thereon shall be released forthwith.

It is made clear that we have not gone into the merits of the matter and it shall be open to the petitioner to challenge the impugned orders in appropriate proceedings in accordance with law.

This writ application is, accordingly, disposed of with the aforesaid observations and directions.

Learned counsel for the State shall inform the respondent No.4 about this order so that the vehicle along with the goods laden thereon can be released without insisting upon certified copy of this order.

(Ramesh Kumar Datta, J)

(Sudhir Singh, J)

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