

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4750 of 2016

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Saboo Cylinders (P) Limited, A company incorporated under the Companies Act, 1956, having its registered office at Triloki Road, Kala Amb, District Sirmour, Himachal Pradesh, (Truck No. HR67B/1573, Driver – Md. Mazid) through Authorised Signatory, Devendra Kumar Vasistha, S/O. Sri Sobha Ram Vasistha, Resident of Mohalla RZ-18th, 2nd Floor, Mahindra Park, P.S. Uttam Nagar, New Delhi – 110059.

.... Petitioner/s

Versus

1. The State of Bihar through the Commissioner of Commercial Taxes, Bihar, Patna having its office at Vikash Bhawan, Baily Road, Patna.
2. Deputy Commissioner of Commercial Taxes, Integrated Check Post, Karmanasha, Bhabhua, Kaimur,
3. Assistant Commissioner of Commercial Taxes, Integrated Check Post, Karmanasha, Bhabhua, Kaimur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prabhash Ranjan Thakur
For the Respondent/s : Mr. ANIL KUMAR SINHA, G.A. 9
Mr. Pawan Kumar, A.C. to G.A 9

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 09-03-2016

Heard learned counsel for the petitioner and the State.

2. Challenge in the present writ application is to an order dated 23.02.2016 imposing Rs.6,17,959/- as penalty for not carrying proper documents for transporting consignment of petitioner M/S. Saboo Cylinders (P) Limited, Sirmour, Himachal Pradesh.

3. Learned counsel for the petitioner states that on deposit of the amount of penalty, the truck may be ordered to be

released along with the goods and that the petitioner shall avail the remedy of appeal against the order impugned passed by the Assistant Commissioner of Commercial Taxes, Integrated Check Post, Karmnasha, Bhabhua.

4. Learned counsel for the respondents has no objection to such a course being taken.

5. In that view of the matter, Truck No. HR67B/1573 along with the seized goods is directed to be released in favour of the petitioner on furnishing Bank Guarantee of Rs.6,17,959/-. The petitioner shall also be at liberty to avail remedy of appeal against the order impugned dated 23.02.2016 passed by the Assistant Commissioner of Commercial Taxes, Integrated Check Post, Karmanasha, Bhabhua, Kaimur.

6. With the above observation/direction, this writ application is disposed of.

(Hemant Gupta, J)

(Ramesh Kumar Datta, J)

Amin/-
N.A.F.R.

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