IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9444 of 2016

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M/s Patna Motors office at Sandalpur, Agamkuwan Yamha through its proprietor- Shashi Ranjan, S/o Sri Jagdish Singh, Resident of Village- Chainpur, P.S.- Parsa, District- Patna

.... Petitioner

Versus

1. The State of Bihar through Commissioner, Sales Tax, New Sachiwalaya, Patna
2. The Joint Commissioner, Commercial Tax, Gaya
3. The Assistant Commissioner of Commercial Tax, Integrated Check Post- Karmnasha, District-Kaimur

.... Respondent/s

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Appearance :
For the Petitioner/s : Mr. Krishna Mohan Mishra
For the State : Mr. Ranjeet Kumar, AC to PAAG

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA
and
HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA)
Date: 20-06-2016

Heard learned counsel for the petitioner and learned counsel for the State.

The defect pointed out by the office is directed to be ignored.

The only reason for the petitioner approaching this Court is that although it had filed an appeal before the Commercial Taxes Tribunal, Patna on 18.3.2016 against the order dated 29.6.2015 of the Joint Commissioner of Commercial Taxes, Magadh Division, Gaya along with an application for stay which however, could not be taken up for disposal of at least the stay petition because the Tribunal had become non-functional.

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It is pointed out by learned counsel for the State that the Commercial Taxes Tribunal, Bihar has now become functional.

In the above circumstances, the writ application is disposed of with the direction that the Tribunal shall consider the stay petition of the petitioner expeditiously preferably within a period of three weeks from the date of receipt/production of a copy of this order.

It is pointed out by learned counsel for the petitioner that 40% of the disputed tax was deposited by the petitioner on the direction of the Joint Commissioner, Commercial Taxes (Appeal) and the remaining amount had been stayed by the Joint Commissioner during pendency of appeal before him and therefore, some interim protection be granted to the petitioner in the meantime before the disposal of the stay petition by the Tribunal.

The respondents are directed not to take any coercive action against the petitioner until the disposal of the stay petition by the Tribunal.

(Ramesh Kumar Datta, J)

S.Pandey/-

(Sudhir Singh, J)

AFR/NAFR	
CAV DATE	
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