

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11233 of 2016

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1. Thermo Fisher Scientific India Pvt. Ltd, A company incorporated under the Companies Act, 1956, through Arvind Sonawane (Director and Company Secretary) having its registered office at 403, 404, Delphi 'B' Wing, Hiranandani Business Park, Powai, Mumbai- 400076 (Truck No- MH04EL-2697, Driver- Brij Mohan Yadav,

.... Petitioner

Versus

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

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prabhash Ranjan Thakur, Advocate

For the Respondent/s : Mr. Purnendu Singh, GP-27

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 27-07-2016

Heard learned counsel for the parties.

2. The challenge in the present writ application is to a notice of demand, whereby a sum of Rs.5,08,730/- was imposed as penalty in exercise of powers conferred under Section 60(4)(b) read with Section 56(4)(b) of the Bihar Value Added Tax Act, 2005.

3. Since an order has been passed imposing penalty, the petitioner has a remedy to file an appeal against the said order and/or to seek release of goods on furnishing Bank Guarantee.

4. In view of the said fact, the petitioner is relegated to avail the alternative remedy as is available to the petitioner in accordance with law.

5. The writ application is, thus, disposed of.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

Narendra/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	05.08.2016
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