

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15314 of 2016

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Zinka Logistics Solution Pvt. Ltd., a company incorporated under the Companies Act, 1956 having its office at Feather Light Developers, 6th Floor, No. 17/1, Opposite Cessna Business Park, Kaverappa Layout, Kadubee Sanahauli Beellandur, PO+PS Bellandur, Bagalura (Karnataka)-560103 through its Senior Executive Operation, Manoj Kumar Rai, son of late Prem Chandra Rai, resident of 17, Girish Bose Road P.O. Belur Math, P.S.-Belur, District-Howrah.

.... Petitioner/s

Versus

1. State of Bihar through Commissioner of Commercial Taxes, Bihar having its office at Vikas Bhawan, Bailey Road, Patna.
2. Dy. Commissioner of Commercial Taxes, Integrated Check Post, Karamnasha, Kaimur (Bihar).

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. D.V.Pathy, Advocate.
Mrs. Manju Jha, Advocate.
Mr. Sada Shiv Tiwari, Advocate.

For the Respondent/s : Mr. Vivek Prasad, GP-7
Mr. Ranjan Kumar, AC to GP-7.

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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: 20-09-2016

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

2. Learned counsel for the petitioner submits that the petitioner may be given the liberty to take recourse to its statutory remedies under the Bihar Value Added Tax Act, 2005 (hereinafter referred to as “the Act”), against the order dated 21.08.2016 passed by the Deputy Commissioner of Commercial Taxes, Integrated Check Post, Karamnasha, Kaimur imposing penalty under Section 60(4)(b)

read with Section 56(4)(b) of the Act. He further prays that in the meantime, the transport vehicle bearing registration no. UP 65AR-0277 along with the goods laden thereon may be directed to be released on production of Bank Guarantee to the extent of the penalty levied.

3 The writ application is, accordingly, disposed of with a direction that upon the petitioner furnishing Bank Guarantee for Rs. 15,86,750/- the vehicle in question shall be released forthwith by the respondents.

4. Learned State Counsel is directed to inform the respondent-authorities about this order who shall ensure release of the vehicle No. UP 65AR-0277 with the goods without insisting upon a certified copy of the order.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

Sujit/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	29.09.2016
Transmission Date	N/A