

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10653 of 2016

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1. S G C Logistics Solutions Ltd., a company incorporated under the Companies act, 1956 having its registered office at E-5 South Extension Part-1, New Delhi and branch office at Carlsberg India P Ltd., P.O.+P.S. Rani Talab, Kanpa, District- Patna through its authorized representative, Birendra Pandey, son of Late Indrajeet Pandey, resident of Rani Talab, Kanpa, P.O.+P.S.- Rani Talab, District- Patna.

.... Petitioner/s

Versus

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

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. D.V.Pathy
Mrs. Manju Jha

For the Respondent/s : Mr. Vikash Kumar, A.C. 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 04-07-2016 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner seeks quashing of the order dated 21.05.2016 passed by respondent No.2, Assistant Commissioner of Commercial Taxes, Integrated Check Post, Dobhi, Gaya, by which the penalty has been imposed under Section 60 (4) (b) read with Section 56 (4) (b) of the Bihar Value Added Tax Act, 2005.

However, in view of the statutory remedy available to the petitioner in the matter, learned counsel for the petitioner confines

the writ application seeking release of the truck along with goods laden thereon on furnishing bank guarantee.

The writ application is, accordingly, disposed of with liberty to the petitioner to avail of the statutory remedy in the matter.

However, upon furnishing bank guarantee of Rs.5,68,090/- before the respondent No.2, Assistant Commissioner of Commercial Taxes, Integrated Check Post, Dobhi, Gaya, the truck along with the goods laden thereon shall be released forthwith.

Learned counsel for the State shall inform the respondent No.2 about this order so that the release can be effected without waiting for the certified copy of this order.

(Ramesh Kumar Datta, J)

V.P.Sinha/-

(Sudhir Singh, J)

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