

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15509 of 2016

- =====
1. Karni Cargo Carrier, a proprietary concern having its office at S-41, Rico Complex, Raod No. 14, V.K.I, Area, P.O + PS.- Rico, Jaipur- 302013 through its authorized signatory, M.S. Rathore, son of Sri P.S-Rathore, resident of 15, Pawanpuri, Murlipura Scheme, P.O + P.S.- Murlipura Scheme, Jaipur.
 2. Shree Balaji Freight Carriers, a proprietary concern having its office at New Sanganer Road, Sodala, P.O + PS- Sodala, Jaipur through its authorized signatory, M.S.Rathore, son of Sri P.S-Rathore, resident of 15, Pawanpuri, Murlipura Scheme, P.O + P.S.- Murlipura Scheme, Jaipur.

.... Petitioner/s

Versus

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

.... 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 petitioners and learned counsel for the State.

2. Learned counsel for the petitioners submits that the petitioners 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 23.07.2016 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 being registration no. RJ 14GB 6134 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 petitioners furnishing Bank Guarantee for Rs. 7,81,935/- 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. RJ 14GB 6134 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