

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP No. 22599 of 2016 (O&M)
Date of decision: 10.11.2016

M/s Pragati Papers Industries Ltd.

..... Petitioner

vs

State of Punjab and others

..... Respondents

**Coram: Hon'ble Mr. Justice Rajesh Bindal
 Hon'ble Mr. Justice Harinder Singh Sidhu**

Present: Mr. Avneesh Jhingan, Advocate, for the petitioner.

Mr. Jagmohan Bansal, Additional Advocate General, Punjab.

Rajesh Bindal, J.

The petitioner approached this Court seeking direction to the respondents to release the truck detained, which was carrying news print papers used for printing of newspapers.

Learned counsel for the petitioner submitted that for the grievance, which is general in nature, considering the location of the factory of the petitioner, the petitioner has made a representation to the Excise and Taxation Commissioner, which is still pending. During the pendency of the petition, penalty amounting to ₹ 3,41,774/- has been levied vide order dated 21.10.2016. He further submitted that the goods may be released subject to the petitioner's furnishing bank guarantee to the tune of 25% of the demand raised, whereas for balance 75%, he will furnish surety, as the petitioner is a registered dealer in the State of Punjab. Learned counsel for the petitioner further referred to an earlier order passed by this Court in CWP No.19644 of 2016—M/s Jindal Oil Mills vs. State of Punjab and others, decided on 27.9.2016.

Learned counsel for the State did not dispute that earlier this Court had directed release of goods in terms of offer made by the petitioner. He further submitted that the representation made by the petitioner shall be considered by the Excise and Taxation Commissioner within three months.

After hearing learned counsel for the parties, the respondents are directed to release the truck and the goods subject to petitioner's furnishing bank guarantee to the tune of 25% of the demand raised and furnishing surety for the balance 75%. As stated by learned counsel for the State, the representation made by the petitioner shall be considered and decided by the Excise and Taxation Commissioner within three months.

The petition stands disposed of.

(Rajesh Bindal)
Judge

10.11.2016
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(Harinder Singh Sidhu)
Judge

Whether speaking /reasoned

Yes/No

Whether Reportable

Yes /No