

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2946 of 2017

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1. M/s. Patil Rail Infrastructure Private Limited through its authorized signatory
Mr. Ajay Jha, Sabalpur, Didarganj, Patna.
 2. Ajay Kumar Jha, son of Sri Raj Kishore Jha, resident of Quarter No.1514,
Sector- 1B, Bokaro Steel City (Jharkhand).

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Finance, Patna,
Bihar.
2. The Assistant Commissioner of Commercial Tax, East Circle, Patna City,
Patna.
3. The Joint Commissioner of Commercial Taxes (Appeals), East Division, Patna.
4. The Deputy Commissioner of Commercial Taxes, East Circle, Patna City,
Patna.
5. IDBI Bank through its Branch Manager, Basheerbagh, Mahaveer House,
Basheer Bagh Square, Hyderabad-500029, Telangana.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sandeep Kumar, Advocate
Mr. Utsav Kumar, Advocate
Mr. Saurav Kumar, Advocate

For the State : Mr. Lalit Kishore, PAAG-1
Mr. Vikash Kumar, SC-11

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 22-02-2017

This Court has passed an order on the basis of statement
of learned counsel for the petitioners that pre-deposit of the statutory



amount shall be paid within three days. In view of the said statement, the Appellate Authority was directed to consider the application for stay in accordance with law and that for three days; the Appellate Authority was directed not to proceed with attachment of the Bank Account of the petitioner.

Learned counsel for the petitioners states that 20% of the amount necessary for filing of appeal has been deposited, but the application for stay has not been decided which fact is controverted by Mr. Lalit Kishore, learned Principal Additional Advocate General. It is stated that an order has been passed granting conditional stay.

The grievance of the petitioners is that the Bank Account which was ordered to be kept in abeyance has not been properly communicated to the Bank as the communication dated 04.02.2017 does not contain any Account Number of the petitioners.

We find the contention of the petitioners to be wholly misconceived. The communication dated 04.02.2017, the photo copy of which has been produced by the petitioners, shows that it is in continuation of the letter no.12 dated 16.01.2017, 42 dated 19.01.2017 and 43 dated 19.01.2017 and all these letters contain Bank Account of the petitioners. It, thus, appears that the petitioners have invoked the writ jurisdiction of this Court on wholly untenable ground and when even the stay application has been decided by the learned Appellate



Authority.

We do not find any merit in the present writ application.

The same is dismissed.

(Hemant Gupta, ACJ)

(Sudhir Singh, J)

Sunil/-

AFR/NAFR	N. A. F. R
CAV DATE	N. A.
Uploading Date	01.03.2017
Transmission Date	

