

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.709 of 2017

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Delhi Baroda Road Carriers Pvt. Ltd., a Company incorporated under the Companies Act, 1956, having its registered office at 480, Phase - 5, Udyog Vihar, Gurgaon, Haryana - 122016, P.O : Gurgaon, P.S. Gurgaon through its authorized signatory Vishnu Kumar, son of Bassesher House No 266 Pitampura PO + PS - Salimar Bagh, Delhi - 110034.

.... Petitioner/s

Versus

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

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. D.V.Pathy, Advocate
Mr. Sadashiv Tiwari, Advocate

For the Respondent/s :

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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: 23-01-2017

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

2. Although the writ application has been filed for quashing of the order dated 20.12.2016 passed by the Respondent No. 2, the Commercial Taxes Officer, Integrated Check Post, Karamnasha, Kaimur, by which he has imposed penalty under Section 60(4)(b) read with Section 56(4)(b) of the Bihar Value Added Tax Act, 2005 (hereinafter referred to as “the Act”) but



ultimately learned counsel for the petitioner submits that he may be given the liberty to take recourse to his statutory remedies under the Act and in the meantime, the transport vehicle 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. 7,69,594/-, 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. NL-01L-6796 along with the goods without insisting upon a certified copy of the order.

(Hemant Gupta, ACJ)

(Sudhir Singh, J)

K.C.jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	25.01.2017
Transmission Date	N/A

