

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5698 of 2018

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M/s. Mihir Traders and Agency, a partnership firm having its place of business at Bounsi Road, Bhagalpur through one of its partners namely Madan Gopal, son of F.L. Sahu, R/o Warsaliganj, P.O. Mirzanhat, District Bhagalpur – 812005.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary-cum-Commissioner of Commercial Taxes, Bihar, Patna having its office at Vikas Bhawan, New Secretariat, Patna,
2. The Commissioner of Commercial Taxes, Bihar, Patna New Secretariat, bailey Road, Patna,
3. The Commercial Taxes Tribunal, Bihar, Patna Collectorate, Patna through its Secretary,
4. The Deputy Commissioner of Commercial Taxes, Bhagalpur Commercial Taxes Circle, Bhagalpur.

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Gautam Kumar Kejriwal, Advocate.
For the Respondent/s : Mr. Vikash Kumar, SC 11.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 28-03-2018

Challenging the coercive action undertaken for recovery of the dues from the petitioner and contending that the appeal filed by the petitioner is pending consideration before the Bihar Commercial Tax Tribunal and in spite of the fact that the Tribunal is not functional and the stay petition of the petitioner has not been considered by the Tribunal the Bank Account of the petitioner has been attached, this Writ Petition has been filed challenging the coercive action undertaken for recovery of the dues.



During the course of hearing, we find that after attachment of the Bank A/c of the petitioner, being 00000030262148151 with the State Bank of India, on 26.03.2018, i.e., a day before filing of this Writ Petition, a sum of Rs. 23,84,053.00 have been attached. That apart, petitioner's pleading indicates that while filing of the appeal the petitioner has already deposited 20% of the amount.

That being so, now till disposal of the appeal by the Appellate Authority, no further coercive action for recovery of the amount shall be initiated against the petitioner.

With the aforesaid, the writ petition stands disposed of requesting the Presiding Officer to proceed in the matter in accordance with law and make endeavour to dispose of the appeal at an early date.

No further recovery shall be made against the petitioner during the pendency of the appeal and its final disposal by the Tribunal.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

Dilip, AR

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	29.03.2018
Transmission Date	N/A

