

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2189 of 2018

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M/s Saurabh Logistics, a Proprietorship firm, having its Office at Radha Nagar, Police Station-Radha Nagar, District-Fatehpur, Uttar Pradesh through its Proprietor, Depraj Singh, Son of Juraj Singh, Resident of Radha Nagar, Police Station-Radha Nagar, District-Fatehpur, Uttar Pradesh.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Cum Commissioner of Commercial Taxes, Bihar, Patna.
2. The Assistant Commissioner of Commercial Taxes, Integrated Check Post, Karamnasha, Kaimur.

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Ajit Kumar

For the Respondent/s : Mr. VIKASH KUMAR -SC11

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 21-03-2018

Having heard learned counsel for the parties, we dispose of the matter in the following manner.

Against the impugned order passed by the Commissioner of Commercial Taxes, Bihar, Patna, the petitioner has a remedy to file a revision before the Commercial Tax Tribunal, Bihar and, therefore, bypassing the statutory tribunal indulgence into the matter at this stage by us in exercise of extra-ordinary jurisdiction under Article 226 of the Constitution of India is uncalled for.

Accordingly, we grant liberty to the petitioner to file a



revision before the competent tribunal within 45 days from today along with an application for stay and seeking release of the vehicle (Truck) no. UP-78-BN-1911 along with the goods, which has been seized, on furnishing Bank Guarantee as directed by this Court on an earlier occasion.

The tribunal shall consider the application and pass an appropriate order.

Till appropriate order on the Interlocutory Application is not passed by the tribunal, the vehicle in question along with the goods shall remain unreleased.

With the aforesaid, the petition stands disposed of.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

Dilip, AR

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	27.03.2018
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