

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5857 of 2018

M/s Baba Project Pvt. Ltd., N.T.P.C. Contractor Colony, Kahalgao, Bhagalpur through its Site Incharge Jitendra Kumar, Son of Jeewan Lal Sharma, Resident of Saket Puri, East of Bahadurpur, Near Bazar Samiti, P.S. Bahadurpur District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary cum Commissioner of Commercial Taxes, Bihar, Vikas Bhawan, Bailey Road, Patna.
2. The Principal Secretary cum Commissioner of Commercial Taxes, Bihar, Vikas Bhawan, Bailey Road, Patna.
3. The Commissioner, Commercial Taxes, Bihar, Vikas Bhawan, Bailey Road, Patna.
4. The Joint Commissioner, Commercial Taxes, (Administration), Bhagalpur Circle, Bhagalpur.
5. The Joint Commissioner, Commercial Taxes, (Appeal), Bhagalpur Circle, Bhagalpur.
6. The Deputy Commissioner, Commercial Taxes, Bhagalpur Circle, Bhagalpur.
7. The Assistant Commissioner, Commercial Taxes, Bhagalpur Circle, Bhagalpur.
8. The Branch Manager, Main Branch, State Bank of India, Bhagalpur.
9. The Branch Manager, Main Branch, UCO Bank, Bhagalpur.
10. The Branch Manager, Main Branch, Dena Bank, Bhagalpur.
11. The Branch Manager, Main Branch, Bank of India, Bhagalpur.
12. The Branch Manager, Main Branch, Bank of Baroda, Bhagalpur.
13. The Branch Manager, Main Branch, Canara Bank, Bhagalpur.
14. The Branch Manager, Main Branch, Central Bank of India, Bhagalpur.
15. The Branch Manager, Main Branch, Indian Bank, Bhagalpur.
16. The Branch Manager, Main Branch, Indian Overseas Bank, Bhagalpur.
17. The Branch Manager, Main Branch, Punjab And Sind, Bhagalpur.
18. The Branch Manager, Main Branch, United Bank of India, Bhagalpur.
19. The Branch Manager, Main Branch, Syndicate Bank, Bhagalpur.
20. The Branch Manager, Main Branch, Union Bank Of India, Bhagalpur.
21. The Branch Manager, Main Branch, District Central Co-operative Bank, Bhagalpur.
22. The Branch Manager, Main Branch, Andhra Bank, Bhagalpur.
23. The Branch Manager, Main Branch, Axis Bank, Bhagalpur.
24. The Branch Manager, Main Branch, Bank of Maharashtra, Bhagalpur.
25. The Branch Manager, Main Branch, Oriental Bank of Commerce, Bhagalpur.
26. The Branch Manager, Main Branch, Bihar Gramin Bank, Bhagalpur.
27. The Branch Manager, Main Branch, Corporation Bank, Bhagalpur.
28. The Branch Manager, Main Branch, ICICI Bank, Bhagalpur.
29. The Branch Manager, Main Branch, HDFC Bank, Bhagalpur.
30. The Branch Manager, Main Branch, Vijaya Bank, Bhagalpur.
31. The Branch Manager, Main Branch, IDBI Bank, Bhagalpur.
32. The Branch Manager, Main Branch, State Bank of Bikaner and Jaipur, Bhagalpur.
33. The Branch Manager, Main Branch, Panjab National Bank, Bhagalpur.



... .. Respondent/s

Appearance :

For the Petitioner/s	:	Ms. Sushmita Mishra, Advocate
For the Respondent/s	:	Mr. Bishwa Bibhuti Kumar Singh, AC to AG
For S.B.I.		Mr. Satya Prakash Tripathy, Advocate
For Bank of India		Mr. Rupak Kumar, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 02-04-2018

We find that against the order of penalty passed by the Appellate Authority, a revision is pending before the State Appellate Tribunal and the grievance of the petitioner is that pending finalization of the proceedings before the Appellate Tribunal and consideration of the application for stay, the coercive action is being taken and the petitioner is unable to prosecute the appeal or the stay application as the post of the Presiding Officer of the Tribunal has not been filled up.

We are informed that the Chairman to the Tribunal has been appointed and he is likely to take over the charge very soon and the tribunal to become functional.

In many cases, we have already granted interim protection and directed the Tribunal to consider the revision petition or at least the application for stay and till then coercive action has been directed to be kept in abeyance.



In this case also, we issue the following directions:

Until the tribunal becomes functional and order are passed on the revision petition or at least on the application for stay filed by the petitioner, all coercive action against the petitioner shall remain stayed and the bank account of the petitioner shall be released forthwith.

With the aforesaid, the application is disposed of.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

K.C.Jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	05.04.2018
Transmission Date	

